



Civiltech Consulting Engineers
PO Box 4285
GOONELLABAH NSW 2480

Notice to Applicant of Determination of a Development Application

Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No: DA 2017/129 (JRPP 2018NTH002)

Applicant: Civiltech Consulting Engineers

Subject Land: Lots 1 to 5 DP 123781, Lot 952 DP 1165266, Lots 7 & 8 DP 793980, Lot 264 DP 1195313 Corks Lane, 25-39 Boeing Avenue and 210 Southern Cross Drive, Ballina

Development Proposal: Construction of a two lane road linking North Creek Road to the Ballina Byron Gateway Airport including three roundabouts at the intersections with North Creek Road, Boeing Avenue and the connection into the airport. The proposal also includes extensions to Boeing Avenue and the realignment of Corks Lane, site filling, vegetation removal and associated works. Total length of roadwork is approximately 1091 metres

Development Type: Local Development (Joint Regional Planning Panel)

Building Classification under the Building Code of Australia: 10b

Determination: The development application has been determined by the Joint Regional Planning Panel on 24 July 2018 by way of **the grant of consent subject to the conditions specified in this notice:**

This consent operates from: 24 July 2018

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 design plans:

Design Plans	Reference	Dated
CivilTech Consulting Engineers Airport Boulevard Concept Engineering Plans	15161-DA1B Cover Sheet	March 2017
	15161-DA2 Issue B Site Plan/Aerial Overlay	2 March 2017
	15161-DA3 Issue B Roadworks & Drainage (North)	2 March 2017
	15161-DA4 Issue B Roadworks & Drainage (South)	2 March 2017
	15161-DA5 Issue B Roadworks & Drainage (Boeing Avenue)	2 March 2017
	15161-DA6 Issue B Link Road Long Section	2 March 2017
	15161-DA7 Issue B Link Road Long Section	2 March 2017
	15161-DA8 Issue B Link Road Cross Sections	2 March 2017
	15161-DA9 Issue B Link Road Cross Sections	2 March 2017
	15161-DA10 Issue B Boeing Avenue Long Section	2 March 2017
	15161-DA11 Issue B Boeing Avenue Cross Sections	2 March 2017
	15161-DA12 Issue B Corks Lane Long Section & Cross Section	2 March 2017
Tim Fitzroy & Associates	Noise Impact Assessment 32/2017	1 December 2017

except as modified by any condition in this consent and excluding any reference to or indication of the Design of Airport Road and Carpark by Others as shown on the approved plans.

2. **Commencement of occupation or use**

Occupation or use of the road for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.

3. **Electricity**

All power reticulation within the development shall be provided underground.

PRIOR TO ISSUE OF CIVIL CONSTRUCTION CERTIFICATE

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

4. In accordance with Section 109F of the EP & A Act (Section 109F) 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.

5. Civil works

Prior to the issue of the Construction Certificate, engineering design drawings and a completed certification Report as set out in Annexure DQS-A of the manuals shall be submitted to and approved by Council for civil works required by this consent. The drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993.

Designs and details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals (NRLGDDCM). Where civil/subdivision works are not covered by the NRLGDDCM or where specifically specified, designs shall be in accordance with appropriate design requirements from Austroads, Australian Standards, Roads & Maritime Services or other recognised authority acceptable to Council. For any civil works not covered by the requirements of the NRLGDDCM, the construction certificate drawings for these works must be accompanied by a design report referencing design standards relied on, and a construction specification which must include construction inspection milestones, testing requirements/acceptance criteria and acceptable construction dimensional tolerances.

The submitted engineering design drawings must be accompanied by a Safety in Design Report in accordance with Clause 295 of the Work Health and Safety Regulation 2011 that also addresses Clauses 61 and 64 of the regulation and the Safe Work Australia "Safe Design of Structures Code of Practice - July 2012".

6. Corks Lane termination

The termination of Corks Lane adjacent to North Creek Road shall contain provision of suitable vehicle turn around facility consisting of a cul-de-sac head.

This facility shall be designed and constructed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate.

7. Shared footpath/cycleway

A 2.5 metre wide concrete shared footpath/cycleway shall be constructed as follows:

- Within the entire length of the Link Road extending from the existing shared path on the southern side of North Creek Road through to Southern Cross Drive.
- Within the eastern verge of Boeing Avenue extending from the existing shared path in Boeing Avenue through to the proposed Link Road.

The shared footpath/cycleway shall be designed and constructed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 Bicycles and Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate.

8. Road naming

Prior to the issue of a Construction Certificate, the applicant must submit for Council's approval a list of proposed road names for all new roads and/or bridges created as a result of the development. The applicant must give consideration to the requirements of Council's policy for the 'Naming of Roads & Bridges' and be in accordance with the Geographical Names Board of New South Wales document, "NSW Road Naming Policy".

9. Stormwater management plan

The applicant shall be required to develop a Stormwater Management Plan detailing the provision of onsite stormwater controls in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management. The Stormwater Management Plan shall need to consider both the construction and operational phases of the development. The plan shall include but not be limited to the following:

- The proposed treatment system for the development.
- The water quality performance targets to be achieved.
- The proposed water quality testing regime and frequency of site inspections.
- The reporting requirements to Council.

A detailed modelling report and design must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

10. Stormwater Treatment Assets

Stormwater treatment assets shall be designed and constructed to the approval of the Principal Certifying Authority and make due provision for sealed vehicular access and turning facilities for heavy rigid maintenance vehicles. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

11. Diversion of existing open channel drain

The existing open channel drain traversing the site must be realigned as per the approved plans. The realigned drain must provide the sufficient hydraulic capacity to drain the upstream catchment (including any new culvert crossings under the proposed Link Road and Boeing Avenue) for up to the 1 in 100 year ARI storm event. The realigned drain must include a 3m wide gravel access road running adjacent to the drain for its full length. The gravel access road must have a minimum pavement depth of 200mm. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

12. Flooding

The whole of the proposed Link Road must be filled to the minimum levels shown in the approved plans. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

13. Filling of the site (flooding)

No filling is to be placed on the site that will cause surface water flooding of any adjoining property. The development shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via adjacent properties. The development shall be required to provide a suitable drainage system and demonstrate that the pre-development performance of the existing stormwater and overland drainage system is maintained. Details are to be included in the stormwater designs and submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the first stage of the development.

14. Sewer Connection

Any public sewer reticulation proposed to be constructed within the proposed road shall comply with the requirements of the Northern Rivers Local Government Development Design & Construction Manuals and Council's "Pressure Sewer Policy". Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

15. Sewer (high water table areas)

Notwithstanding the WSAA code, should sewer gravity mains be proposed in the development they are not to exceed a final design depth of 3.0 metres unless otherwise approved by Council's Engineer.

16. Water main relocation

The applicant shall be required to locate the existing water main within the existing airport access road. Where the water main runs underneath the pavement of the proposed new road it must be relocated into the verge of the proposed new road (other than direct road crossings).

The design shall also comply with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). Design plans are to be approved by Council prior to the issue of the Construction Certificate.

17. Dual Water Supply

Any public dual water supply system proposed to be constructed within the proposed roads shall comply with the design requirements of the Ballina Shire Council's Dual Water supply Plumbing Policy.

The design shall also comply with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). Design plans are to be approved by Council prior to the issue of the Construction Certificate.

18. Landscape plan

A landscape plan, prepared by a person competent in the field is to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The landscape plan and selection of appropriate plants shall be made generally in accordance with the Council's Development Control Plan Chapter 3 – Urban Subdivision and the *Ballina Shire Urban Garden Guide*.

19. Non mowable batters

Ground slopes and batters within public land must be no steeper than 1V:4H unless otherwise approved by Council. Where approved, all batters and slopes proposed in any Council reserves that are greater than 1V:4H shall be densely planted with a groundcover approved by Council. Council will not accept the handover of the road reserve until a 90% coverage is achieved that is weed free. The plant species, densities, and maintenance program shall be included in the landscape plan and approved by Council prior to the issue of the Construction Certificate.

20. Street lighting

The applicant shall be responsible for the design and installation of public street lighting. All street lighting within the development must be designed in accordance with AS/NZS 1158 and based on the installation of Country Energy Style 1 lanterns fitted with light emitting diode street lights for category P areas. Engineering design plans and specifications must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

21. Electricity supply

The applicant shall be responsible for all costs associated with the extension of underground reticulated electricity within the full length of the new link road and the

extension to Boeing Avenue. Design plans are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

22. Civil Inspection Fee, Civil Construction Certificate Fee & Construction Bond

Prior to the issue of a Civil Construction Certificate, a Civil Construction Certificate application is to be made as well as the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates:

- Civil Construction Certificate Fee
- Civil Inspection Fee
- Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000)

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (e.g. sewer systems, footpaths, kerb and guttering etc.) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

23. Asset listing

The Construction Certificate application for subdivision works shall be accompanied by an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

24. Redundant infrastructure

Any existing water, sewer and stormwater infrastructure made redundant as a result of the development shall be decommissioned and completely removed from the site. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.

25. Construction Management Plan

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)
- (k) Restoration of damage to public assets

Details must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for the development.

26. Dilapidation report

Prior to the issue of a Construction Certificate, the applicant shall engage a practising professional in the field to prepare a Pre-Construction Dilapidation Report detailing the

current structural condition of all existing adjoining infrastructure and roads. The report shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report must also be forwarded to Council.

27. Schedule of compliance

Prior to the issue of a construction certificate a Schedule of Compliance detailing how each "PRIOR TO THE ISSUE OF A CIVIL CONSTRUCTION CERTIFICATE" condition of consent has been complied with shall be submitted to Council for approval.

28. Fill and Batter Requirements

To protect adjacent significant habitats any soil imported to the worksite that is not encased under pavement should be certified as being weed free and is to have ongoing weed eradication works undertaken during and post construction. All exposed batters are to be revegetated with local endemic vegetation that is largely maintenance free. Details on the revegetation of the batters are to be incorporated into a Landscape Plan and submitted to Council's Open Spaces and Reserves group for approval prior to the issuing of a Construction Certificate.

29. Wallum froglet Road Mitigation Structures

To mitigate against the ongoing impacts of the road once in operation on the Wallum froglet population the applicant is to incorporate effective frog exclusion fencing and connectivity structures into the road design. Design details of the above fencing and structures are to be provided to Council's Development and Environmental Health Group (DEHG) prior to the issuing of a Construction Certificate for the project. All construction plans are to show the location of the abovementioned structures and fencing.

30. Wallum froglet Construction Protection Plan

To protect the residual Wallum froglet population during construction works, the applicant is to prepare a Wallum froglet Construction Protection Plan (WFCPP). The WFCPP is to be prepared in accordance the commitments contained in the addendum letter titled "*Additional Wallum Froglet Assessment, Proposed Airport Boulevard Link Road, Ballina*" prepared by Blackwood Ecological Services Pty Ltd and dated 8 June 2018. The WFCPP is to be drafted and implemented to the satisfaction of Council's Development and Environmental Health Group (DEHG) prior to the issuing of a Construction Certificate for the project. The WFCPP is to provide details and/or confirm:

- (a) That bulk earthworks will be scheduled to avoid the Wallum froglets breeding season (typically autumn or early winter).
- (b) Following a significant rainfall event/s that are greater than 25mm in any one 24 hour period a suitably qualified ecologist is to undertake pre-clearing surveys for the Wallum froglet. No construction works are permitted until all Wallum froglets have been relocated outside of the development site.
- (c) Confirm that a suitably qualified ecologist will undertake pre-clearing surveys for the Wallum froglet. Surveys are to be undertaken 48 hours prior to the commencement of any vegetation removal and/or bulk earthworks on the development site. The surveys are to be undertaken on two consecutive nights prior to works commencing at the site. If staged bulk earthworks are proposed repeat pre-clearing surveys will be required.
- (d) Identify the procedure for the installation of temporary frog exclusion fencing erected to prevent frogs gaining accesses to the development footprint. All frog exclusion fencing is to be installed within 24 hours of completing the pre-clearing frog surveys and are to be maintained on a weekly basis for the entire construction phase of the project.

- (e) Identify the measures to be implemented to remove/relocate Wallum froglets (including tadpoles) from development footprint.
- (f) Confirm all construction works are to be confined to the road corridor footprint as depicted by Figure A of addendum letter titled "*Additional Wallum Froglet Assessment, Proposed Airport Boulevard Link Road, Ballina*" prepared by Blackwood Ecological Services Pty Ltd and dated 8 June 2018.
- (g) Include a plan that clearly identifies construction related infrastructure including access tracks, fill stockpile areas, machinery, building materials and site offices will not located on Wallum froglet habitat.
- (h) Procedures to be implemented to prevent the introduction and spread of *Chytrid* fungus.

31. Wallum froglet Protection and Offset Plan

To offset the impacts of the development on the Wallum froglet population, the applicant is to prepare a Wallum Froglet Offset Plan (WFOP). The WFOP is to be prepared in accordance the commitments contained in the addendum letter titled "*Additional Wallum Froglet Assessment, Proposed Airport Boulevard Link Road, Ballina*" prepared by Blackwood Ecological Services Pty Ltd and dated 8 June 2018. The WFOP is to be drafted and implemented to the satisfaction of Council's Development and Environmental Health Group (DEHG) prior to the issuing of a Construction Certificate for the project. The WFOP is to confirm and/or provide details on:

- (a) The location of the 6.8ha offset area.
- (b) Measures to be implemented to ensure the existing hydrology and water quality of the offset area are maintained.
- (c) Measures to be implemented to ensure the offset site remains viable wallum froglet habitat.
- (d) Details on the maintenance requirements of the frog fencing/crossing underpasses associated the road.
- (e) Details on how the offset site, frog fencing/crossing underpasses will be protected and managed in perpetuity.

32. Environmental Restoration Plan (ERP)

To offset the impacts of the development on Endangered Ecological Communities and Hairy joint grass habitat the applicant is to prepare an Environmental Restoration Plan (ERP). The ERP is to be prepared in accordance the commitments contained in the addendum letter titled "*Ecological Assessment, Proposed Airport Boulevard Link Road, Ballina*" prepared by Blackwood Ecological Services Pty Ltd and dated 30 April 2018 unless amended by this Condition of Consent. The ERP is to be drafted and implemented to the satisfaction of Council's Development and Environmental Health Group (DEHG) prior to the issuing of a Construction Certificate for the project. The ERP is to confirm and/or provide details on:

- (a) Ensuring that the total offset area equates to an area of 5.53ha.
- (b) Ensuring that restoration works do not impact existing Wallum froglet habitat.
- (c) Cattle exclusion fencing.
- (d) All weed species and methods to be used to control them.
- (e) All road batters to be revegetated with locally endemic vegetation that is largely maintenance free.
- (f) The measures to be implemented to monitor the success of the ERP including the provision of monitoring reports to be provided to Council's DEHG.
- (g) Commitment that all planting stock will be sourced from plants growing in the immediate locality.

- (h) Confirmation that the revegetation program will be undertaken for a minimum period of five years and the developer will fund all aspects of the program.
- (i) A range of performance goals that are measurable and include commitment that unless the goals are achieved the restoration program will be extended until they are achieved. In this regard Council will require all forested areas to achieve an 80% closed native vegetation coverage within a five year time period. All vegetation stratas are to be free of all environmental and noxious weeds.
- (j) A timetable for the implementation of all revegetation, rehabilitation and weed control works.
- (k) Contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
- (l) Management actions to eradicate other invasive species from the rehabilitation areas.
- (m) Measures to be implemented to ensure that all areas of native vegetation is managed and protected in perpetuity.
- (n) Land that is already subjected to existing works, grants and or previous rehabilitation programs cannot be used for offsetting.
- (o) Confirmation all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate II or equivalent and have a minimum of 2 years experience regenerating floodplain communities.

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.

33. 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.

34. Acoustic Fence

The acoustic fence at the boundaries of 14 and 16 Bonito Place, Ballina as identified in Environmental Noise Impact Assessment dated 1 December 2017 prepared by Tim Fitzroy & Associates, shall be constructed prior to the commencement of works on the road.

35. Acoustic Certification

The acoustic consultant shall certify the acoustic fence complies with the specifications in the signed agreements between Council and the property owners prior to the commencement of works on the road, including:

- (a) Construction of a lapped and capped timber fence that achieves a density no less than 12.5kg/m^2 to a height of 2.4 metres.
- (b) Any timber used shall be overlapped sufficiently to ensure shrinkage of the material does not create gaps and reduce the acoustic performance of the structure.
- (c) Timber shall be a stress grade F14 or better.
- (d) Timber above ground shall be treated to Hazard Level 3 or better, timber in contact with the ground shall be treated to Hazard Level 4.
- (e) The western boundary fence shall taper from a height of 2.4m to 1.8m for a length of 4m from the south west corner.
- (f) Any gates shall be acoustically designed to maximise acoustic performance of the fence.

36. Notice of commencement of civil works

Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

37. Traffic control

All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

38. 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.

39. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater - Soils and Construction, LANDCOM, March 2004.**40.** To delineate the Limit of Works (LoW) the applicant is to erect visible No Go fencing or the like to the satisfaction of Council's Environmental Scientist. All No Go fencing is to be established on the boundary of development footprint as depicted Figure 2 of "*Proposed Link Road Layout Plan*" of the Engineering Assessment prepared by CivilTech and dated 6 July 2017. Signage depicting the purposes of the barrier is to be installed on the fence. All personnel working on the site are to be advised of the significance of the erected fencing.**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.

41. A Soil and Water Management Plan (SWMP) 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.**42. Construction**

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.

43. The Acid Sulfate Soil Management Plan prepared by Ardill Payne & Partners dated June 2017 approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.
44. Excavated acid sulfate material shall be treated with fine agricultural lime at a rate of 22 (high), 14 (moderate) or 10 (low) kg/tonne (dry weight). The liming material shall be thoroughly mixed with the excavated soil.
45. 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.
46. The export of waste (including fill or soil) from the site must be in accordance with:
 - a) the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
 - b) current Resource Recovery Orders and Exemptions.

It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.

47. All weather accessways 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 accessways so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. **Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.**
48. Sediment and erosion control measures shall be installed and effectively maintained to control stormwater runoff. All disturbed areas shall be immediately stabilised and revegetated on completion of earthworks.
49. 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.
50. 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.
51. 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).
52. The Acid Sulfate Soil Management Plan (ASSMP) prepared by Ardill Payne & Partners dated June 2017 identifies when Acid Sulphate Soils (ASS) may be encountered while excavating. Monitoring of this excavated material shall occur. Should ASS materials be

disturbed, they should be stored separately to non-ASS material, bunded, and treated with lime to neutralise any acid production from the oxidation process in accordance with the requirements of the ASSMP.

53. After liming, excavated soil shall be tested to ensure the potential acid generation has been adequately neutralised.
54. Any potential acid sulphate material excavated shall be stored in a bunded location prior to liming.
55. 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.
56. 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 release 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 release 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.
57. 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 in industrial areas. All vegetation waste should be removed to a licenced waste management facility or mulched on site for reuse. If an alternative method of disposal is sought written approval of Council is required.
58. **Civil Works**
All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified. Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.
59. **Traffic Control**
All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).
60. **Inspection (road and drainage)**
Inspection and approval of the road and drainage works is required by Council's Engineer (Ph. 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill.

61. Implement Stormwater Management Plan

The applicant shall be required to implement the approved Stormwater Management Plan during the construction phase.

62. Filling of the site

The road formation is to be filled to the minimum levels indicated on the approved construction certificate plans. A Surveyor's certificate verifying compliance with this minimum fill level is to be submitted to the Principal Certifying Authority.

63. Filling (standards)

All site filling shall be in compliance with the requirements of Level 1 geotechnical testing for:

- (a) AS 3798 – 2007 Guidelines on Earthworks for Commercial and Residential Developments

64. Geotechnical earthworks and filling

All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

The frequency of field density tests for trenches shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

The earthworks and filling shall also be undertaken in accordance with the recommendations of the Geotechnical report by Shaw:Urquhart, Ref: 161066/1-C, dated: 13 July 2017.

Inspections must be undertaken by a suitably qualified practicing geotechnical or civil engineer to verify that the site geotechnical and filling works are completed in accordance with the recommendations of the Shaw:Urquhart Geotechnical report, Ref: 161066/1-C, dated: 13 July 2017 and Level 1 geotechnical testing and certification as per the requirements of AS 2870 & AS 3798.

65. Inspection (water and sewer)

Council's Engineer must inspect and approve any construction works associated with Council's water and sewer systems. Council's Engineer must be contacted on telephone 6686 4444 at the time of the excavation and connection.

66. Damage to Council infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

67. Cultural Heritage

The cautionary recommendations contained within the Everick Heritage Consultants Southern Cross Enterprise Park Cultural Heritage Due Diligence Assessment dated 18 August 2015 are to be carried out during construction.

68. Shake Down Grid

The construction access to the site shall have a shake down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site.

69. Dust suppression

Exposed surfaces and access pads at the site shall be regularly wetted to suppress dust generation. As a minimum at least one water truck must be available at the site at all times however additional dust suppression equipment must be provided as necessary to prevent dust generation at the site. Other equipment or methods of dust suppress must be approved by The Principal Certifying Authority prior their use.

70. Stockpile protection

Suitable covering and protection must be provided to all stockpiles to ensure that no material is removed by wind from the site, causing a nuisance to neighbouring properties.

71. Revegetation

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.

72. Excavation on public land

All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.

73. Equipment storage

There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without prior written consent of Council.

74. Revegetation of Disturbed Areas

All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

75. Protection of Existing Vegetation

All native vegetation inclusive of trees or shrubs adjacent to the work site are to be retained and are to be protected during construction works.

76. All pruning activities are to conform to the Australian Standard as detailed in Australia Standard AS 4373-2007 "Pruning of Amenity Trees". Pruning activities are to be conducted in a manner that ensures the ongoing environmental integrity of the area.

77. There is to be no vegetation clearance, earthworks and/or storage of any native vegetative matter, goods and/or equipment within the identified fenced off No Go Areas.

78. Implementation of the Approved ERP

The actions of the approved ERP are to be implemented within one month of works commencing at the development site.

PRIOR TO OCCUPATION OR USE

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.

79. Noise

The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the development complies with the acoustic specifications identified in the Noise Assessment Report dated 1 December 2017 by Tim Fitzroy & Associates and Condition No. 36 prior to occupation or use of the road.

80. Heavy Vehicle Weight Limit

A 10 to 15 tonne heavy vehicle weight limit is to be applied/signposted along the Airport Boulevard between its intersection with Corks Lane and North Creek Road.

81. Dedication of Road Corridors

Prior to occupation or use of the road a suitably fenced public road corridor is to be dedicated to Council which fully encompasses the road and associated infrastructure. The dedicated road corridor is also to provide a connection to the existing Southern Cross Drive road reserve.

82. Civil works

All civil works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to occupation or use of the road. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified.

83. Evidence of Completion of Works

Occupation or use of the road is not to occur until evidence satisfactory to Council is submitted, that the works as approved by construction certificate(s), have been completed or that other arrangements satisfactory to the consent authority, in accordance with Section 109J(2) (b) or (c), have been made.

In this regard "evidence satisfactory to Council" is to consist of certification by Council or issue of a Part 4A Compliance Certificate (Environmental Planning and Assessment Act 1979) by a Category B1 - Accredited certifier - subdivision certification (Building Professionals Regulation 2007) that:

- (a) Works as executed plans have been submitted and assessed to demonstrate that the works designated in the Construction Certificate have been provided and that they comply, within the tolerances permitted in the Northern Rivers Local Government Development Design and Construction Manuals or relevant standards, with the dimensions on the Construction Certificate plans, and
- (b) All tests and inspections specified in the Northern Rivers Local Government Development Design and Construction Manuals have been conducted and that the results comply with the requirements of the construction certificate and associated specifications.

84. Road signage

The applicant shall be responsible for the installation of all road signage including street name signs. All road name signs must comply with the requirements of Australian Standards 1742, 1753 & 1744. All road name signs must be approved by Council's Development Engineer on telephone 6686 4444 prior to their manufacture and installation.

85. Stormwater

Prior to occupation or use of the road, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan. 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.

86. Stormwater management plan

Prior to occupation or use of the road, Council is to be provided with a comprehensive Maintenance and Management Plan for all stormwater works and controls to be inherited by Council. This Management Plan is to be prepared by a suitably qualified registered practicing Engineer experienced in stormwater management addressing all maintenance requirements of the assets, life expectancy, special training required and approximate annual costings.

87. Geotechnical earthworks and filling certification

Prior to the occupation or use of the road, certification must be provided from a suitably qualified practicing geotechnical or civil engineer verifying that the site geotechnical and filling works were completed in accordance with the recommendations of the Shaw:Urquhart Geotechnical report, Ref: 161066/1-C, dated: 13 July 2017 and Level 1 geotechnical testing and certification as per the requirements of AS 2870 & AS 3798. 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.

88. Settlement monitoring

Prior to the occupation or use of the road, certification must be submitted from a suitably qualified practicing geotechnical engineer verifying that the site preloading works have achieved the target consolidations nominated within the Geotechnical Construction Report by Shaw:Urquhart, Ref: 161066/1-C, dated: 13 July 2017.

89. Water and Sewer

The completion of all water supply and sewer works are to be in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be completed and approved by Council prior to occupation or use of the road.

90. Landscape bond

A landscaping bond equal to the value of the landscaping works plus 30% contingency factor shall be lodged with Council prior to the occupation or use of the road. Upon written advice that the approved site landscaping plan has been implemented and established Council will conduct a practical completion inspection.

A maintenance period of 12 months will apply from the date of opening of the road. The bond may be used by Council to maintain, repair or rectify works that are failing. After the 12 months period has finished the applicant shall notify Council that the final inspection is due to take place. If the final inspection verifies that the objectives described in the landscape plan have been achieved Council will refund the landscaping bond.

91. Public Lighting

Prior to the occupation or use of the road, certification is to be provided to the Principal Certifying Authority that installation of public street lighting within the development has been completed and commissioned to the satisfaction of the relevant authorities.

92. Maintenance bond

The following maintenance bond must be paid to Council which provides the amount of Goods and Services Tax (GST) payable. The bond is subject to review and may vary at the actual time of payment:

- (a) Civil maintenance Bond: Equal to 5% of the estimated cost of the civil works (Refer to Council's Schedule of Fees & Charges for minimum fees)

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

93. Works as executed (drawings)

The applicant shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All data is to be on MGA zone 56 coordinates and AHD for levels. Separate drawings shall be provided for roads, water, sewer and stormwater drainage. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

94. Works as executed (asset listing)

In connection with the 'Works-as Executed' drawings the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

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.

95. Noise

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.

STATEMENT OF REASONS FOR DECISION AND IMPOSITION OF CONDITIONS

1. The subject development is permissible with consent in the relevant zones of the Ballina Local Environmental Plan 2012.
2. The subject development has been assessed against the relevant considerations under the Environmental Planning and Assessment Act 1979, including the provisions of all relevant Environmental Planning Instruments, the objectives of the Ballina Local Environmental Plan 2012 and the objectives of the zones. It has been determined that the sites are suitable for the subject development and that the development is unlikely to have a significant adverse impact on the natural and built environments and is unlikely to have a significant adverse economic or social impact on the locality.
3. The application was required to be placed on public exhibition in accordance with Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulations 2000, an Environmental Planning Instrument or Local Exhibition

Policy. The application was publicly notified in accordance with the Level 1 – Targeted Notification requirements of the Ballina Shire Development Control Plan 2012.

4. The issues raised in the submissions have been addressed in the assessment of the development and in the formulation of the conditions of consent included in this notice.
5. The approval of the development is in the public interest.
6. The reasons for the conditions listed in this determination notice are:
 - To ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
 - To ensure compliance with the objectives of the Ballina Local Environmental Plan 2012);
 - To ensure an appropriate level of amenities and services is available;
 - To protect the existing and likely future amenity of the locality;
 - To maintain, as far as practicable, the public interest;
 - To ensure compliance with the Building Code of Australia and relevant Australian Standards;
 - To ensure satisfactory compliance with relevant Council plans, codes and policies.

ADVISORY MATTERS

1. 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.

2. Noise Control

Use of the road shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment & Operations Act 1997.

3. WorkCover Requirements

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

4. 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.

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.

The consent shall lapse on **24 July 2023** unless the development has commenced in accordance with the provisions of section 4.53 of the Act.

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

N/A

NB. The General Terms of Approval of these approval bodies have been incorporated within the Determination Notice.

Signed: _____ on 24 July 2018

Matthew Wood
Group Manager
Development and Environmental Health

On behalf of the Joint Regional Planning Panel

Right of Appeal:

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the NSW Land and Environment Court within six months after the date on which you receive this notice.

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.