

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2022/721

Development: Development for the erection of a seniors housing development under the *State Environmental Planning Policy (Housing) 2021* to be constructed in five stages including 110 independent living units, community facilities, managers residence, earthworks (filling) and retaining walls, removal of vegetation, stormwater management and infrastructure works, and landscaping and outdoor recreation areas.

Site: Lot 1 DP 124173 and Lot 1 DP 522558 otherwise known as 550 - 578 River St, West Ballina

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 12 March 2026

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 DP 124173 and Lot 1 DP 522558 otherwise known as 550 - 578 River St, West Ballina.

The conditions of consent are as follows:

DA 2022/721

GENERAL

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

Plans prepared by	Revision No	Drawing No.	Drawing Title	Dated
Architectural Plans				
Jared Poole Design	B	BP1073/00.01	RFI Response	16.08.24
Jared Poole Design	B	BP1073/00.02	RFI Response – Dwelling Sites GFA Calculations	16.08.24
Jared Poole Design	B	BP1073/00.03	RFI Response – Site GFA Calculations	16.08.24
Jared Poole Design	B	BP1073/00.04	RFI Response 2	16.08.24
Jared Poole Design	C	BP1073/01.02	Site Perspectives	16.08.24
Jared Poole Design	B	BP1073/01.03	Site Perspectives	16.08.24
Jared Poole Design	B	BP1073/01.04	Site Perspectives	16.08.24
Jared Poole Design	B	BP1073/01.06	Site Perspectives	16.08.24
Jared Poole Design	B	BP1073/01.07	Site Perspectives	16.08.24
Jared Poole Design	B	BP1073/01.09	Site Perspectives	16.08.24
Jared Poole Design	B	BP1073/01.10	Sectional Perspective	16.08.24
Jared Poole Design	Q	BP1073/03.01	Master Plan	16.08.24
Jared Poole Design	C	BP1073/03.02	Access to Facilities & Services Plan	16.08.24
Jared Poole Design	B	BP1073/03.03	Neighbourhood Amenity & Streetscape Plan	16.08.24
Jared Poole Design	B	BP1073/03.04	Wheelchair Access Plan	16.08.24
Jared Poole Design	B	BP1073/03.05	CPTED	16.08.24
Jared Poole Design	B	BP1073/03.06	Dwelling Sites Dimension Plan	16.08.24
Jared Poole Design	B	BP1073/03.07	Dwelling Sites Dimension Plan – Part A	16.08.24
Jared Poole Design	B	BP1073/03.08	Dwelling Sites Dimension Plan – Part B	16.08.24
Jared Poole Design	E	BP1073/03.09	Sub-Floor Master Plan	16.08.24
Jared Poole Design	B	BP1073/04.01	Clubhouse – Ground Floor Plan	16.08.24
Jared Poole Design	B	BP1073/04.02	Clubhouse – Mezzanine Floor Plan	16.08.24
Jared Poole Design	B	BP1073/04.03	Clubhouse – Elevations	16.08.24
Jared Poole Design	B	BP1073/04.04	Clubhouse – Elevations	16.08.24
Jared Poole Design	B	BP1073/04.05	Clubhouse – Exterior Selections	16.08.24
Jared Poole Design	B	BP1073/05.01	Managers Unit Ground Floor Plan	16.08.24

Jared Poole Design	B	BP1073/05.02	Managers Elevations Unit	16.08.24
Jared Poole Design	B	BP1073/05.03	Managers Elevations Unit	16.08.24
Jared Poole Design	B	BP1073/05.04	Managers Unit – Exterior Selections	16.08.24
Jared Poole Design	B	BP1073/06.01	House Type Custom 1 F1 – Perspective	16.08.24
Jared Poole Design	B	BP1073/06.02	House Type Custom 1 F1 – Floor Plan	16.08.24
Jared Poole Design	B	BP1073/06.03	House Type Custom 2 F1 – Perspective	16.08.24
Jared Poole Design	B	BP1073/06.04	House Type Custom 2 F1 – Floor Plan	26.03.24
Jared Poole Design	B	BP1073/06.05	House Type Custom 3 F1 – Perspective	16.08.24
Jared Poole Design	B	BP1073/06.06	House Type Custom 3 F1 – Floor Plan	26.03.24
Jared Poole Design	B	BP1073/06.07	Typical House Type A F1 – Perspective	16.08.24
Jared Poole Design	B	BP1073/06.08	Typical House Type B F2 – Perspective	16.08.24
Jared Poole Design	B	BP1073/06.09	Typical House Type A – Floor Plan	26.03.24
Jared Poole Design	B	BP1073/06.10	Typical House Type A F3 Perspective	16.08.24
Jared Poole Design	B	BP1073/06.11	Typical House Type B F4 – Perspective	16.08.24
Jared Poole Design	B	BP1073/06.12	Typical House Type B – Floor Plan	26.03.24
Jared Poole Design	B	BP1073/06.13	Typical House – Exterior Selections	16.08.24
Jared Poole Design	B	BP1073/06.14	House Type Custom 4 F1 – Floor Plan	26.03.24
Jared Poole Design	B	BP1073/06.15	House Type Custom 5 F1 – Floor Plan	26.03.24
Jared Poole Design	A	BP1073/06.16	House Type Custom 1 F1 – Roof Plan	24.11.23
Jared Poole Design	A	BP1073/06.17	House Type Custom 2 F1 – Roof Plan	24.11.23
Jared Poole Design	A	BP1073/06.18	House Type Custom 3 F1 – Roof Plan	24.11.23
Jared Poole Design	A	BP1073/06.19	House Type Custom 4 F1 – Roof Plan	24.11.23

Jared Poole Design	A	BP1073/06.20	House Type Custom 5 F1 – Roof Plan	24.11.23
Jared Poole Design	A	BP1073/06.21	House Type A Typical – Roof Plan	24.11.23
Jared Poole Design	A	BP1073/06.22	House Type B Typical – Roof Plan	24.11.23
Jared Poole Design	B	BP1073/06.23	House Type B F6 – Floor Plan	26.03.24
Jared Poole Design	A	BP1073/06.24	House Type B F6 – Roof Plan	24.11.23
Jared Poole Design	C	BP1073/07.05	Dwelling Site 01 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.06	Dwelling Site 02 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.07	Dwelling Site 03 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.08	Dwelling Site 04 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.09	Dwelling Site 05 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.10	Dwelling Site 06 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.11	Dwelling Site 07 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.12	Dwelling Site 08 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.13	Dwelling Site 09 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.14	Dwelling Site 10 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.15	Dwelling Site 11 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.16	Dwelling Site 12 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.17	Dwelling Site 13 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.18	Dwelling Site 14 – Site Plan & Elevations	16.08.24

Jared Poole Design	C	BP1073/07.19	Dwelling Site 15 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.20	Dwelling Site 16 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.21	Dwelling Site 17 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.22	Dwelling Site 18 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.23	Dwelling Site 19 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.24	Dwelling Site 20 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.25	Dwelling Site 21 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.26	Dwelling Site 22 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.27	Dwelling Site 23 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.28	Dwelling Site 24 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.29	Dwelling Site 25 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.30	Dwelling Site 26 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.31	Dwelling Site 27 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.32	Dwelling Site 28 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.33	Dwelling Site 29 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.34	Dwelling Site 30 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.35	Dwelling Site 31 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.36	Dwelling Site 32 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.37	Dwelling Site 33 – Site Plan & Elevations	16.08.24

Jared Poole Design	C	BP1073/07.38	Dwelling Site 34 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.39	Dwelling Site 35 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.40	Dwelling Site 36 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.41	Dwelling Site 37 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.42	Dwelling Site 38 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.43	Dwelling Site 39 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.44	Dwelling Site 40 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.45	Dwelling Site 41 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.46	Dwelling Site 42 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.47	Dwelling Site 43 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.48	Dwelling Site 44 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.49	Dwelling Site 45 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.50	Dwelling Site 46 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.51	Dwelling Site 47 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.52	Dwelling Site 48 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.53	Dwelling Site 49 – Site Plan & Elevations	16.08.24

Jared Poole Design	C	BP1073/07.54	Dwelling Site 50 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.55	Dwelling Site 51 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.56	Dwelling Site 52 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.57	Dwelling Site 53 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.58	Dwelling Site 54 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.59	Dwelling Site 55 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.60	Dwelling Site 56 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.61	Dwelling Site 57 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.62	Dwelling Site 58 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.63	Dwelling Site 59 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.64	Dwelling Site 60 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.65	Dwelling Site 61 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.66	Dwelling Site 62 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.67	Dwelling Site 63 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.68	Dwelling Site 64 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.69	Dwelling Site 65 – Site Plan & Elevations	16.08.24

Jared Poole Design	C	BP1073/07.70	Dwelling Site 66 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.71	Dwelling Site 67 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.72	Dwelling Site 68 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.73	Dwelling Site 69 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.74	Dwelling Site 70 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.75	Dwelling Site 71 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.76	Dwelling Site 72 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.77	Dwelling Site 73 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.78	Dwelling Site 74 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.79	Dwelling Site 75 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.80	Dwelling Site 76 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.81	Dwelling Site 77 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.82	Dwelling Site 78 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.83	Dwelling Site 79 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.84	Dwelling Site 80 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.85	Dwelling Site 81 – Site Plan & Elevations	16.08.24

Jared Poole Design	C	BP1073/07.86	Dwelling Site 82 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.87	Dwelling Site 83 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.88	Dwelling Site 84 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.89	Dwelling Site 85 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.90	Dwelling Site 86 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.91	Dwelling Site 87 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.92	Dwelling Site 88 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.93	Dwelling Site 89 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.94	Dwelling Site 90 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.95	Dwelling Site 91 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.96	Dwelling Site 92 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.97	Dwelling Site 93 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.98	Dwelling Site 94 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.99	Dwelling Site 95 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.100	Dwelling Site 96 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.101	Dwelling Site 97 – Site Plan & Elevations	16.08.24

Jared Poole Design	C	BP1073/07.102	Dwelling Site 98 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.103	Dwelling Site 99 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.104	Dwelling Site 100 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.105	Dwelling Site 101 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.106	Dwelling Site 102 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.107	Dwelling Site 103 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.108	Dwelling Site 104 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.109	Dwelling Site 105 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.110	Dwelling Site 106 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.111	Dwelling Site 107 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.112	Dwelling Site 108 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.113	Dwelling Site 109 – Site Plan & Elevations	16.08.24
Jared Poole Design	C	BP1073/07.114	Dwelling Site 110 – Site Plan & Elevations	16.08.24
Landscape Plans				
CUSP Landscape Architecture	G	22114-100	Cover Sheet Drawing Register	13.08.24
CUSP Landscape Architecture	G	22114-101	Legend and Notes	13.08.24
CUSP Landscape Architecture	G	22114-102	Materials and Finishes Schedule	13.08.24
CUSP Landscape Architecture	G	22114-104	Planting Schedule	13.08.24
CUSP Landscape Architecture	G	22114-301	Landscape Plan	13.08.24

CUSP Landscape Architecture	G	22114-302	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-303	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-304	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-305	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-306	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-307	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-308	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-309	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-310	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-311	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-312	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-313	Landscape Plan	13.08.24
CUSP Landscape Architecture	G	22114-601	Landscape Details	13.08.24
CUSP Landscape Architecture	G	22114-602	Landscape Details	13.08.24
CUSP Landscape Architecture	G	22114-603	Landscape Details	13.08.24
CUSP Landscape Architecture	G	22114-604	Landscape Details	13.08.24
CUSP Landscape Architecture	G	22114-605	Landscape Details	13.08.24
CUSP Landscape Architecture	G	22114-606	Landscape Details	13.08.24
CUSP Landscape Architecture	G	22114-607	Landscape Details	13.08.24
CUSP Landscape Architecture	I	22114-700	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-701	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-702	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-703	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-704	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-705	Tree Retention/ Removal Plan	13.08.24

CUSP Landscape Architecture	I	22114-706	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-707	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-708	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-709	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-710	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-711	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-712	Tree Retention/ Removal Plan	13.08.24
CUSP Landscape Architecture	I	22114-713	Tree Retention/ Removal Plan	13.08.24
Civil Plans				
Westera Partners	F	G22-053-PG01	Preliminary Cover Sheet – Sheet 01 of 02	19.08.24
Westera Partners	C	G22-053-PG02	Preliminary Internal Civil Services Layout Plan – Sheet 02 of 02	01.05.24
Westera Partners	C	G22-053-PC01	Preliminary Civil Notes and Legend – Sheet 01 of 15	01.05.24
Westera Partners	L	G22-053-PC02	Preliminary Civil Works Site Plan – Sheet 02 of 15	20.08.24
Westera Partners	G	G22-053-PC03	Preliminary Civil Works Plan 1 of 3 – Sheet 03 of 15	13.08.24
Westera Partners	G	G22-053-PC04	Preliminary Civil Works Plan 2 of 3 – Sheet 04 of 15	13.08.24
Westera Partners	I	G22-053-PC05	Preliminary Civil Works Plan 3 of 3 – Sheet 05 of 15	20.08.24
Westera Partners	E	G22-053-PC06	Preliminary Civil Works Sections 1 of 6 – Sheet 06 of 15	13.08.24
Westera Partners	E	G22-053-PC07	Preliminary Civil Works Sections 2 of 6 – Sheet 07 of 15	13.08.24
Westera Partners	E	G22-053-PC08	Preliminary Civil Works Sections 3 of 6 – Sheet 08 of 15	13.08.24

Westera Partners	E	G22-053-PC09	Preliminary Civil Works Sections 4 of 6 – Sheet 09 of 15	13.08.24
Westera Partners	F	G22-053-PC10	Preliminary Civil Works Sections 5 of 6 – Sheet 10 of 15	16.08.24
Westera Partners	F	G22-053-PC11	Preliminary Civil Works Sections 6 of 6 – Sheet 11 of 15	16.08.24
Westera Partners	F	G22-053-PC12	Preliminary Road Typical Cross Sections, Road 1, 3 Entry Long Section – Sheet 12 of 15	16.08.24
Westera Partners	G	G22-053-PC13	Preliminary Bio-Retention Basin No. 1 Details – Sheet 13 of 15	13.08.24
Westera Partners	F	G22-053-PC14	Preliminary Bio-Retention Basin No. 2 Plan – Sheet 14 of 15	13.08.24
Westera Partners	D	G22-053-PC15	Preliminary Bio-Retention Basin 2 Sections and Typical Notes & Details – Sheet 15 of 15	13.08.24
Westera Partners	D	G22-053-PR01	Preliminary External Roadworks Notes and Legent – Sheet 01 of 09	01.05.24
Westera Partners	H	G22-053-PR02	Preliminary External Roadworks Site Plan – Sheet 02 of 09	20.08.24
Westera Partners	F	G22-053-PR03	Preliminary External Roadworks Plan 1 of 4 – Sheet 03 of 09	16.08.24
Westera Partners	F	G22-053-PR04	Preliminary External Roadworks Plan 2 of 4 – Sheet 04 of 09	16.08.24
Westera Partners	F	G22-053-PR05	Preliminary External Roadworks Plan 3 of 4 – Sheet 05 of 09	16.08.24
Westera Partners	H	G22-053-PR06	Preliminary External Roadworks Plan 4 of 4 – Sheet 06 of 09	20.08.24
Westera Partners	E	G22-053-PR07	Preliminary External Sections 1 of 2 – Sheet 07 of 09	16.08.24
Westera Partners	F	G22-053-PR08	Preliminary External Sections 2 of 2 – Sheet 08 of 09	16.08.24
Westera Partners	B	G22-053-PR09	Preliminary External Linemarking & Signage Plan – Sheet 09 of 09	01.05.24
Westera Partners	G	G22-053-PE01	Preliminary Earthworks Plan – Sheet 01 of 04	19.08.24

Westera Partners	D	G22-053-PE02	Preliminary Earthworks Preload Plan – Sheet 02 of 04	19.08.24
Westera Partners	D	G22-053-PE03	Preliminary Earthworks Sections Sheet 1 of 2 – Sheet 03 of 04	19.08.24
Westera Partners	D	G22-053-PE04	Preliminary Earthworks Sections Sheet 2 of 2 – Sheet 04 of 04	19.08.24

Document Prepared By	Revision	Report Title	Dated
Westera Partners	Rev 3 Draft	Construction Environmental Management Plan (Preliminary)	2 September 2024
Westera Partners	5	Stormwater Management Report	3 September 2024
Gilbert and Sutherland	2	Groundwater Monitoring Assessment and Management Plan	06/09/2024
Gilbert and Sutherland	2	Baseline Water Quality, Monitoring and Management Plan	09/24
Gilbert and Sutherland	1	Hydrologic Regime Assessment Gemlife Seniors Living Development – Methods, Results, Interpretation and Conclusions	09/24
Mosquito Consulting Services Pty Ltd	-	Mosquito Impact Assessment Current and Historical Information of 12 December 2022 and its Addendum of 28 November 2023	4 Sept 2024
BLACKASH Bushfire Consulting	1.0	Bushfire Hazard Assessment	5 September 2024
Cumberland Ecology	Updated Final	Biodiversity Development Assessment Report	10 September 2024
Cumberland Ecology	Final Draft	Biodiversity Stewardship Site Assessment Report	7 December 2023
Cumberland Ecology	Final	Vegetation Management Plan	19 September 2024
Northern Tree Care	Dec 2023	Arboricultural Impact Assessment Report	Dec 2023
Gilbert and Sutherland	4	Acid Sulfate Soil Management Plan	09/24
Rytenskild Traffic Engineering	1	Traffic Impact Assessment	21 December 2022
Pacific Geotech Consulting Geotechnical Engineers	-	Geotechnical Report: Proposed Seniors Housing Community	November 2023
ADG Consulting	0	Remediation Action Plan	21 December 2022

frc environmental	221005ii	Residential Development Aquatic Ecology Technical Report	14 December 2022
frc environmental	i	Assessment of Potential Impacts of Fish Habitat and Priority Oyster Aquaculture Areas	5/12/2023
frc environmental	ii	Assessment of Potential Impacts to Coastal Wetlands	06/12/2023
Water Engineering Partners	1	Flood Impact Assessment Report	5 August 2024
Water Technology Water, Coastal & Environmental Consultants	02	Flood Emergency Response Plan	19 August 2024

except as modified by any condition in this consent.

Swimming Pool

- The swimming pool (including treatment systems) and surrounds must be designed constructed, installed and operated by a suitably qualified and experienced professionals in accordance with the *Public Health Act 2010*, *Public Health Regulation 2022* and the NSW Health Public Swimming Pools and Spa Pools Advisory Document if users of the pool include people other than residents or their visitors and would meet the definition of a public swimming pool under the Public Health Act 2010.

Staging

- The development is to occur in accordance with the staging as outlined on the staging plans prepared by Westera Partners under Appendix 19.1 of the Construction Management Plan (Preliminary), dated 2 September 2024 referenced in Condition 1.

Construction Access

- Construction access for construction works, associated employee/plant/truck access and deliveries/disposal for all stages is to be via the River Street construction access **only**. The Burns Point Ferry Road access is only to be used for residential occupants and associated operational functions, repairs, and deliveries.

Fencing

- All fencing is to be constructed so as not to create concealment areas or predator traps.
- All internal fencing located within the site is to be non-combustible (including no brush fencing). No new internal fencing is to be installed within the site unless it provides a barrier for the safety of vehicles driving off any driveway into wetland areas and is approved by Council.

Advertising Signage

- No advertising, promotional or marketing sign(s) are to be erected or displayed on the site without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the exempt development provisions of *State Environmental Planning Policy – Exempt and Complying Development Codes 2008*.

Mosquito Buffer

8. A mosquito buffer with a minimum width of 25m between mosquito breeding and harbourage sites to residential lots must be implemented and maintained in perpetuity to reduce mosquito impacts on residents, visitors and staff of the development. The buffer must:
- Be free of dense vegetation or other structures which facilitate mosquito dispersal or provide harbourage for resting adult mosquitoes.
 - Be free of structures or features (e.g. waterbodies) that have the potential to act as mosquito breeding sites.
 - Not contain any type of dwelling or any part such as verandahs/ decks or garages.
 - Only contain vegetation that is easily maintained.

State Environmental Planning Policy (Housing) 2021

9. The development must comply with the access and useability standards outlined in Schedule 4 of *State Environmental Planning Policy (Housing) 2021*.

Aboriginal Cultural Material

10. Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the developer shall immediately notify Heritage NSW and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from Heritage NSW is obtained for the destruction, removal or protection thereof and the developer has complied with the direction of the Heritage NSW in that respect.
11. If it is suspected that Aboriginal material has been uncovered as a result of development activities within the development site:
- a) work in the surrounding area is to stop immediately;
 - b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
 - c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
 - d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the Heritage NSW guidelines: 'Aboriginal Cultural Heritage Consultation Requirements for Proponents' (2010).

Aboriginal Human Remains

12. If human remains are located at any stage during construction works within the development site, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest Police Station, the JALI LALC, and the Heritage NSW office are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the Heritage NSW should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

In all dealings with Aboriginal human remains, the developer should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Notification to the Heritage NSW

13. If Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the Heritage NSW. Any management outcomes for the site will be included in the information provided to the AHIMS.

Building Code of Australia

14. All buildings, structures, required parking and access for persons with a disability are to comply with the requirements of the *Building Code of Australia (BCA)*, relevant Australian Standards and the *Disability (Access to Premises – Buildings) Standards 2010* as applicable to the buildings or structure's classification under the BCA.
15. Any Construction Certificate issued in association with this development is to ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, internal/external design, external configuration and appearance) with the approved Development Application plans.
16. Each dwelling and the proposed manager's residence is to comply with the relevant requirements of the Building Code of Australia, Building Sustainability Index (BASIX) and relevant Australian Standards. The clubhouse building is to meet the required energy efficiency provisions and associated matters as required by Section J of The BCA.

Driveway Construction

17. The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. All driveway areas are to be adequately graded and drained to stormwater treatment areas. These areas must discharge to Council's stormwater system to ensure that stormwater is not directed onto adjoining properties.

Utility services

18. The maintenance and operation of all internal water and sewer systems shall be the responsibility of the property owner and not Ballina Shire Council.

Vegetation Management

19. This consent does not authorise the removal of any vegetation or any works within adjoining allotments Lot 1 DP780136 and Lot 3 DP529094.

PRIOR TO COMMENCEMENT OF WORKS

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

Condition 20A: Updates to Reports Prior to Commencement of Works

a) [deleted]

b) [deleted]

Construction Environmental Management Plan

c) A comprehensive Construction Environmental Management Plan (CEMP) must be submitted to and be approved by Council. The CEMP must be site specific and comprehensively address all mitigation, monitoring, remedial action and reporting measures and recommendations incorporated in the plans and documents submitted to address all conditions and those included in the reports and plans listed in Condition 1, as amended by agreed relevant Joint Expert Report outcomes and the findings of the Court and align these with the relevant stages (required by Condition 3) of the development. The CEMP is to include (but not be limited to) the following matters:

- (I) Any other relevant conditions of this consent
- (II) Quantity and source of fill;
- (III) Haulage route(s);
- (IV) Details of the length of the construction period(s) for earthworks. For truck movements associated with the importation and exportation of fill;
- (V) Details of the location of shaker pads at the construction access;
- (VI) Hours of work;
- (VII) Contact details of site manager;
- (VIII) Complaints management plan and register;
- (IX) Location of existing services;
- (X) Site construction depot, office, amenities and storage facilities;
- (XI) Traffic management (vehicles, pedestrians and cyclists), including provision of sufficient onsite parking for all plant, employees, contractors, suppliers and any other persons associated with construction and building on the site;
- (XII) The applicant's proposed public road, pavement damage remediation strategy;
- (XIII) Flora and fauna management;
- (XIV) Construction staging plan;
- (XV) Restoration of damage to public assets;
- (XVI) Noise, dust, and vibration;
- (XVII) Materials storage and waste management;
- (XVIII) Detailed soil and water management measures (including erosion and sediment control), particularly given the sensitive nature of the surrounding land and environment;
- (XIX) Maintenance of stormwater management infrastructure that specifically relates to vegetation, sediment, and physical attribute management to prevent the provision of mosquito habitat over time.
- (XX) Proactive management of the site, to address sediment, erosion and dust controls, at times of predicted rain, prolonged dry conditions and/or high winds, with sufficient persons available on site to manage the site during these events;
- (XXI) Regular geotechnical inspection of fill batters and document any signs of instability and implementation of plans to ensure instability does not occur and not extend beyond site boundaries and proximity to Coastal Wetlands mapped area;
- (XXII) Air Quality/Dust Management Plan (include escalation protocols and triggers);
- (XXIII) Waste management including classification and identified disposal/reuse locations of any soil or like material to leave the development site;
- (XXIV) An unexpected finds protocol to appropriately manage unexpected potential contamination issues encountered during works;

- (XXV) Measures to restrict access to retained vegetation and waterfront land;
- (XXVI) Preclearance and clearance survey requirements;
- (XXVII) Measures to prevent the spread of priority and environmental weeds;
- (XXVIII) Incident and emergency response protocols;
- (XXIX) Competence, training and awareness procedures (i.e. environmental inductions, Toolbox talks, training and awareness);
- (XXX) Roles and responsibilities for implementing, monitoring and reviewing CEMP requirements;
- (XXXI) An overview of relevant environmental management documentation;
- (XXXII) Inspection, monitoring and auditing requirements for all environmental controls and adaptive management to ensure environmental mitigation measures remain effective;
- (XXXIII) Community consultation and liaison,
- (XXXIV) Management of acid sulfate soils;
- (XXXV) A flood impact assessment that models each proposed stage of construction and demonstrates that flood conveyance will be maintained throughout each stage of the earthworks for the proposed development, and documents any additional measures necessary to address the impacts associated with each stage of the development.

The CEMP shall be prepared in accordance with the *Guidelines for the Preparation of Environmental Management Plans* (DIPNR, 2004).

The CEMP must address and manage impacts to sensitive receivers external to and on the site as stages process and the development is occupied.

The CEMP must be submitted and approved by Council prior to the commencement of works.

Geotechnical

- d) Preparation of a detailed settlement monitoring plan to reflect the proposed development staging and include suitable hold points must be submitted to and be approved by Council. For instance, including, but not limited to settlement monitoring during preloading fill (for 6 months), and removal of preload. Certification from a suitably qualified geotechnical engineer shall be provided confirming that the settlement criteria, including all contingencies if the criteria is not met, has been satisfactorily met. The next stage of the works cannot proceed until the preceding hold point has been signed off by the geotechnical consultant.

Baseline Water Quality, Monitoring and Management Plan

- e) The Baseline Water Quality, Monitoring and Management Plan, prepared by Gilbert and Sutherland and dated 24 September 2024 is to be modified to include the below criteria and must be submitted to and be approved by Council:
 - Revising Section 8 so that it corresponds with Staging Plans within Appendix 19.1 of the Construction Management Plan (Preliminary) prepared by Westera Partners, dated, September 2024;
 - Includes clear definitions of the construction, on maintenance and operational phases of the project;
 - Identification of discharge water quality criteria, locations and procedures;

- Identification of water quality monitoring parameters, locations, monitoring frequency and statistical treatment of data (if any);
- Confirmation that the independent auditor will be approved by Council;
- The provision for six-monthly monitoring reports to be provided to Council;
- Defined time periods when non compliances will be reported to Council;
- Defined time periods when remedial actions will be undertaken by the applicant.

Groundwater Monitoring Assessment Plan

- f) The Groundwater Monitoring Assessment Plan, prepared by Gilbert and Sutherland and dated 6 September 2024 is to be modified to address the following issues and must be submitted to and be approved by Council:
- Revising to correspond with Staging Plans within Appendix 19.1 of the Construction Management Plan (Preliminary) prepared by Westera Partners, dated, 2 September 2024;
 - Inclusion of clear definitions of the construction, on maintenance and operational phases of the project;
 - Confirmation that the independent auditor will be approved by Council;
 - The provision for six monthly monitoring reports to be provided to Council;
 - Defined time periods when non compliances will be reported to Council;
 - Defined time periods when remedial actions will be undertaken by the applicant.

Earthwork and Fill Management Plan

- g) Prior to the commencement of works, an Earthwork and Fill Management Plan must be submitted to Council for approval. The Earthwork and Fill Management Plan must outline at a minimum:
- Survey accurate plans depicting the approved footwork marking toe of batter, retaining walls and stormwater outlets which are demarked on site (including stockpile area);
 - Quantitative assessment to determine the quality and amount of fill to be moved and retained on site/ removed off site and/or additional fill brought into the site;
 - Source and quality of any additional fill needed or disposal area for fill;
 - Appropriate designated stockpile area and sediment erosion control measures;
 - Work methods to move fill within the site that does not harm any environmental values;
 - Method to stabilise disturbed or exposed areas immediately upon completion of earthwork inclusive of retaining walls and stormwater outlets with consideration to any adjacent environmental values;
 - Estimate of the duration of each phase of the earthworks.

Flood Emergency Response Plan

- h) The development is to be carried out, managed and operated in accordance with the "Flood Emergency Response Plan" prepared by Water Technology, Water Coastal & Environmental Consultants" dated 19 August 2024.

Irrespective of evacuation strategies, on site facilities and services are to be provided to support residents and staff for periods of isolation during major flood events.

As a minimum, this should include:

- i. The provision of shelter in place facilities for persons that are above the Probable Maximum Flood (PMF) level.
- ii. An alternate power supply driving all the power needs of the clubhouse, including air conditioning, heating and kitchen, for a minimum of 84 hours, but ideally for 7 days.
- iii. Drink (preferably bottled water) and non-perishable food for all the site occupants, for a minimum of 84 hours, but ideally for 7 days.
- iv. Provision of a wastewater storage facility with the capacity for temporary treatment of wastewater for a minimum of 84 hours, but ideally for 7 days.
- v. Sleeping arrangements for all residents.
- vi. A suitable number of first aid kits and medications, including general over the counter items.
- vii. Emergency food supplies of sufficient quantity to supply people trapped on site.
- viii. A communications facility with radio communication to the SES with on line links to the Bureau of Meteorology for weather and flood warnings, with independent power supply and with sufficient staff and residents trained in its use.
- ix. The provision of an emergency helicopter landing pad and wind sock, with details to be provided as to where this may be located and not impact on the approved development.
- x. Details on how occupants of dwellings within earlier stages are to safely evacuate prior to the completion of each stage.

Operational Environmental Management Plan

- i) A comprehensive Operational Environmental Management Plan (OEMP) must be submitted to and be approved by Council. The OEMP must be site specific and comprehensively address all mitigation, monitoring, auditing, incident or failure identification, remedial action, reporting measures and recommendations incorporated in the plans and documents submitted to address all conditions and included in the reports and plans listed in Condition 1, and align these with the relevant operational stages of the development. The OEMP is to include (but not be limited to) the following matters:
 - (ii) The OEMP must address the operational phase of the site, commencing at completion of building works and landscaping for Stage 1 Building Works as identified in Poole Drawing "Master Plan" Issue Q dated 18-08-24, and extending continuously over time until the use approved by this consent, for any of the site, permanently ceases.
 - (iii) The OEMP must also address the transitional phase of the site, when part of the site is in the operational phase whilst other parts of the site are still in construction phase
 - (iv) Detailed stormwater monitoring, response and management measures for ensuring: stormwater conveyance, quality treatment, attenuation and discharge infrastructure is functioning as designed; stormwater discharge quality parameters are within designated limits; stormwater infrastructure is operated, maintained and repaired in good condition (particularly given the sensitive nature of the surrounding land and environment).
 - (v) Maintenance of stormwater management infrastructure that specifically relates to vegetation, sediment, and physical attribute management to prevent the provision of mosquito habitat over time.
 - (vi) Maintenance in perpetuity of the entire surface of the "Drainage Channel" identified in Figure 2: Developed Case Flood Model" of "Proceedings 2023/0228105 – Seniors Living Development, River Street, West Ballina - Flood Impact Assessment", Water

Engineering Partners dated 5 August 2024 RefR30037.001, to ensure that the vegetation across that surface has a density and effective roughness equivalent to a Mannings n roughness coefficient of not more than 0.035 (equivalent to well-maintained mown grass). The OEMP is to incorporate a landscape plan that demonstrates the level of maintenance of the drainage channel that achieves this criteria.

- (vii) Maintenance and cleaning of flood culverts located in the "Drainage Channel" referred to above, and the 5 cell 2400x900 box culverts located near the main entrance. Monitoring is to be undertaken on a monthly basis, with clearing and cleaning to ensure all debris is removed from the culverts and approaches and to ensure any sediment accumulation more than 25 mm depth is removed.
- (viii) Waste management
- (ix) Measures to restrict access to retained vegetation and waterfront land;
- (x) Measures to prevent the spread of priority and environmental weeds;
- (xi) Other measures as necessary to maintain the function and integrity of any environmental buffers;
- (xii) Incident and emergency response protocols;
- (xiii) Ongoing competence, training and awareness procedures for operational staff (i.e. environmental inductions, training and awareness, periodic refresher courses);
- (xiv) Roles and responsibilities for implementing, monitoring and periodic reviewing OEMP requirements;
- (xv) An overview of relevant environmental management documentation;
- (xvi) Inspection, monitoring and auditing requirements for all environmental controls and adaptive management to ensure environmental mitigation measures remain effective;

BASIX Commitments

- j) Amended BASIX Certificates are required to be provided to Council in accordance with the amended architectural plans prepared by Jared Poole Design dated 16 August 2024. Amended plans are to accompany the BASIX Certificates to demonstrate the relevant BASIX Commitments for each dwelling house associated with the approved lot layout.
- k) Where condition 20A requires the Council to be satisfied of, or approve of, a document, report or plan submitted to it, the Council will appoint a suitably qualified third party consultant with expertise in the discipline to which the document, report or plan relates, for the consultant to determine with the Council whether the document, plan or report is satisfactory in accordance with the requirements of the condition.

Biodiversity Stewardship Agreement

20B. The proposed Stewardship Site of 4.25ha proposed in the Biodiversity Development Assessment Report dated 10 September 2024 is to be established as a Biodiversity Stewardship Site pursuant to Part 5 Division 2 of the *Biodiversity Conservation Act 2016* and evidence of this is to be provided to the Council.

Project Manager

- 20. Prior to the commencement of any works, a Project Manager is to be appointed, whose name and contact details are to be provided to the Council. The Project Manager is to

be responsible for ensuring the development is carried out in accordance with the required Construction Environmental Management Plan (CEMP) (approved via Condition 20A (C)) and all requirements of approval outlined within this consent. Prior to the work commencing, the Project Manager is to inform the Council in writing of the date of commencement of works on site.

Plan Changes

21. Any changes to the development layout and/or footprint as a result of the approval of documents and plans by Council under the conditions and the 'Prior to Commencement of Work' conditions are to be reflected in updated versions of the plans referenced in Condition 1 in this consent. Detailed plans demonstrating compliance with this condition are to be submitted to and approved by the Principal Certifier. Copies of the plans approved by the Principal Certifier are required to be provided to Council prior to the commencement of any works.

Schedule of Compliance

22. Prior to bulk earthworks commencing, the project manager is to prepare a Schedule of Compliance detailing how each "**PRIOR TO COMMENCEMENT OF WORKS**" condition of consent has been complied with shall be submitted to the Principal Certifier for approval. A copy shall also be provided to Council (if not the Principal Certifier).

Peg out of Proximity Area for Coastal Wetlands

- 22A. Prior to any works commencing a survey peg out of the land mapped as 'proximity to coastal wetlands' on the 'coastal wetlands and littoral rainforests areas map' under Chapter 2 of the SEPP (Resilience and Hazards) 2021 is to be undertaken. A temporary exclusion fence labelled as a 'no-go' zone must be erected prior to works commencing to the satisfaction of the Council.

Builder's toilet

23. 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.

Safety fencing

24. The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.

Arboricultural Assessment Report

25. Prior to any works commencing, an updated Arboricultural Assessment Report is required to be submitted and approved by Council to address the additional trees

identified for removal and the matters raised in the Arborist & Ecology Joint Expert Report dated 11 July 2024 and the Addendum to the Joint Expert Report – Arborist & Ecology dated 2 September 2024, and any encroachments into the tree protection zones of the mangroves within the existing drain adjoining Emigrant Creek Lane.

Vegetation Management Plan

26. Prior to the commencement of any works commencing, the Vegetation Management Plan prepared by Cumberland Ecology dated 19 September 2024 must be implemented. If there is a biodiversity stewardship site agreement for the area identified as the proposed Stewardship Site on the Figure 31 in the Biodiversity Development Assessment Report dated 10 September 2024, then the Vegetation Management Plan needs to be implemented only to the extent that it is not inconsistent with that agreement. The developer must create a public positive covenant over the development site, under Section 88E of the *Conveyancing Act 1919*, to the satisfaction of the Council, requiring compliance with this Vegetation Management Plan.

Delineate Vegetation Management Plan Boundary with Temporary Conservation Fencing

27. Prior to the commencement of any works, the location of the Vegetation Management Plan boundary as prepared by Cumberland Ecology dated 19 September 2024, is to be delineated by a registered surveyor and protected with temporary fencing, minimum 1.8m in height. The temporary fencing is to remain for the duration of the works until permanent fencing and the final Occupation Certificate has been issued for the buildings approved as part of this development. At intervals of no more than five meters, signage is to be installed on the fence that reads 'Conservation Area, authorised entry only, no damage to trees is permitted'.

Remediation/ Contamination

28. Remediation must be undertaken in accordance with the Remediation Action Plan prepared by ADG Consulting dated December 2022.

A validation report demonstrating compliance with the Remediation Act Plan must be provided to and approved by the Principal Certifier with a copy provided to Council prior to the commencement of any other works.

Sampling and reports must be carried out in accordance with the NSW EPA Sampling Design Guidelines, Guidelines for Consultants Reporting on Contaminated Land, Council's Management of Contaminated Land Policy and the National Environmental Protection (Assessment of Site Contamination) Measure 1999.

Revised General Terms of Approval (GTAs)

29. Revised General Terms of Approval (GTA) are required to be obtained from the NSW Water in relation to the approved plan referenced in Condition 1 and any consequential changes resulting from the conditions.

Any conditions which have been revised in the updated NSW - Water GTA's are to be replicated in Attachment 2 of this consent.

The revised NSW - Water GTA's are to be provided to Council prior to the issue of the first Construction Certificate for the development or the commencement of any works, whichever occurs first.

NSW NRAR Controlled Activity Approval

30. A controlled activity approval must be obtained from NSW Water, in accordance with the requirements of Attachment 2 of this consent. A copy of the controlled activity approval is required to be provided to the Principal Certifier and Council prior to any works commencing on site.

NSW DPI Fisheries requirements

31. The applicant is required to liaise with NSW DPI Fisheries in relation to the requirements of the *Fisheries Management Act 1994* with respect to:
- a. Any harm to marine vegetation (e.g. mangroves or saltmarsh) proposed in order to construct the proposed development, including drainage works along Emigrant Creek Lane.

The applicant must obtain any required approvals via the *Fisheries Management Act 1994*. Written evidence of compliance with this condition (including copies of any approvals granted under the *Fisheries Management Act 1994*) is required to be submitted to Council prior to the commencement of any works.

BDAR Retirement of Biodiversity Credits

32. Prior to the commencement of any works, the class and number of ecosystem credits and species credits in Table 1 and 2 must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction Council must be provided to the consent authority prior to the commencement of works.

Only 'like for like' species credits are permitted.

Table 1– Ecosystem credits required to be retired – like for like

Impacted plant community type	Name of Threatened Ecological Community	Number of ecosystem credits (No hollow trees)	Number of ecosystem credits (contains	IBRA sub-region	Plant community type(s) that can be used to offset the
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			hollow trees)		impacts from development
782 - Coastal Freshwater meadows and forblands of lagoons and wetlands	Freshwater wetlands on coastal floodplains of the NSW North Coast Bioregion	21	0	Clarence lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. or Any IBRA Subregion that is within 100km of the outer edge of the impacted site.	Any PCT that aligns to Freshwater Wetlands Endangered Ecological Community (EEC)
1275 - Tuckerroo - Riberry – Yellow tulipwood littoral rainforest on the NSW North Coast Bioregion	Lowland Rainforest on Floodplain in the NSW North Coast Bioregion	0	2	Clarence lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. or Any IBRA Subregion that is within 100km of the outer edge of the impacted site.	Any PCT that aligns with the Lowland Rainforest EEC
1235 – Swamp Oak Swamp forest of the coastal lowlands of the NSW North Coast Bioregion	Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions	5	15	Clarence lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. or Any IBRA Subregion that is within 100km of the outer edge of the impacted site.	Any PCT that aligns with the Swamp Oak Floodplain forest EEC
1808 – Estuarine Reedland	Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East	60	0	Clarence lowlands, Clarence Sandstones, Scenic Rim, Woodenbong	Any PCT that aligns with the Swamp Oak Floodplain forest EEC

	Corner Bioregions			and Yuraygir. or Any IBRA Subregion that is within 100km of the outer edge of the impacted site.	
916 – Mangrove – Grey Mangrove low closed forest of the NSW Coastal Bioregion	Not a TEC	1	0	Clarence lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. or Any IBRA Subregion that is within 100km of the outer edge of the impacted site.	Any Mangrove Swamp

Table 2 – Species Credits required to be retired – like for like

Impacted Species	Number of Species Credits	IBRA Subregion
Pale-headed Snake	22	Anywhere in NSW
Mangrove Honeyeater	21	Anywhere in NSW
Southern Myotis	109	Anywhere in NSW
Common Planigale	13	Anywhere in NSW
Collared Kingfisher	11	Anywhere in NSW

33. [deleted]

Site Fill

34. Fill material shall consist of virgin excavated natural material (VENM), have particle size characteristics that are compatible with existing soils and ensure groundwater recharge, have limited colloidal material and be free of weeds and organics generally. Fill material is to be consistent with the approved geotechnical report.

35. The development site shall be filled with a suitable foundation material in accordance with the requirements of the Northern Rivers Local Government Development Design and Construction Manuals and the approved development plans. Minimum fill level shall be 2.7m AHD over the development footprint and in accordance with the approved civil plans prepared by Westera Partners. The proposed dwellings and other buildings must have a minimum floor level of 3.2m AHD.

Details are to be submitted to and approved by the Principal Certifier prior to the commencement of works.

Note – 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.

36. To ensure the ongoing protection of the Biobanking Statement No. 444, the Coastal Wetland and its associated vegetation communities all fill material is to be consistent with the soil that occurs at the site. Consequently, all fill imported to the site is to align with Section 6.4 of the Geotechnical Report prepared by Pacific Geotech dated November 2023, and specifications including Emerson Class Number 5. If any alternative soil type or filling specifications are to be undertaken, other than identified within Section 6.4 of the approved Geotechnical Report, this is to be provided to and approved by Council.
37. No filling is to be placed on the site that will cause surface water flooding of any adjoining property. The development shall make provision for the conveyance of stormwater from external catchments, through the development site to a lawful point of discharge. Details are to be included in the stormwater designs and submitted to and approved by the Principal Certifier prior to the commencement of works.

Retaining Walls

38. A.) Where retaining walls and associated building work is to be constructed adjacent to public reserves and road reserves, all walls and any ancillary construction is to be located completely within the subject property and not encroach onto public land.
- B.) Where retaining walls are located adjacent to water, sewer and drainage infrastructure the walls are to be designed such that they will be structurally self-supporting when excavation is required to the invert level of the adjoining pipeline or otherwise offset sufficient distance that the retaining wall is beyond the zone of influence of the pipeline. Where required, Engineering design drawings and structural certification are to be submitted to and approved by the Principal Certifier prior to the commencement of works.

Dilapidation Report

39. Prior to the commencement of works, the applicant shall engage a practising professional in the field to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of the existing adjoining buildings (as listed below), infrastructure and roads. The report shall be submitted to and approved by the Certifier prior to the commencement of works. A copy of the report must also be forwarded to Council.
- The row of dwellings on the adjoining Ballina Waterfront Village caravan park along the eastern property boundary of Lot 1 DP 780136
 - Dwellings on Lot 3 DP 529094, Lot 5 DP 537419, and Lot 6 DP 537419 on the western side of the development site.
 - Dwellings directly adjoining Burns Point Ferry Road at 3 Burns Point Ferry Road (SP71323).

Fees and Charges

40. Prior to the commencement of works, 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:

- Section 138 Fee
- Section 68 Fees
- Civil Inspection Fees
- 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.

Civil Works

41. Pursuant to s4.17(1)(f) of the *Environmental Planning and Assessment Act 1979 (EPA Act)*, in order to provide safe access to and suitable stormwater management for the development, the applicant is required to construct all civil works depicted on the Westera Partners plans listed in condition 1 that are outside the site and within Council land (including road reserves), including those listed in this condition.

Prior to the commencement of works, an application under Section 138 of the Roads Act 1993 shall be submitted to and approved by Council for all external works required by this consent on road reserves. This application shall be accompanied by detailed drawings and specifications for the works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Transport for NSW where appropriate. These works include but are not limited to:

- **Burns Point Ferry road and Main Access** – The frontage of the elevated section of the development to Burns Point Ferry Road shall be reconstructed in general accordance with Westera Partners "Preliminary External Roadworks Plans" lodged August 2024. These external roadworks shall be provided with a 1.35m wide concrete footpath, minimum 3.5m pedestrian friendly verge, upright kerb and gutter, underground stormwater drainage and associated pits/headwalls, 2.5 m wide parking lane and 3.5m wide northbound traffic lane. A pedestrian refuge, associated median, kerb ramps, road markings and signage is to be provided, compliant with Austroads Guidelines, in the location indicated in Westera Partners of the "Preliminary External Roadworks Plans" Lodged August 2024. To minimise negative impacts on parking, the pedestrian refuge shall conform to TfNSW "TDT 2011/01a Pedestrian Refuges", Figure 2 , except for the chevron pavement markings which are to comply with Austroads Guidelines and generally in accordance with Westera Partners drawing number G22-053-PR09 to avoid conflict with Kaling Street intersection.. The main access shall conform to Northern Rivers Local Government Drawings R-05C and R-06D and shall have sufficient vehicle storage within the development site, and u turn facility prior to the barrier,

to ensure there is no queuing onto Burns Point Ferry Road reserve, during peak access periods. Works in the road reserve shall maximise the height of the kerb and gutter for the purpose of reducing the extent of inundation during high tides. All widened traffic lanes on Burns Point Ferry Road are to be provided with a reinforced concrete pavement to match existing traffic lanes in Burns Point Ferry Road. Design drawings for the s138 application are to be submitted to and approved by Council to determine the detailed configuration and pavement specifications of all the road reserve works on Burns Point Ferry Road.

- **Construction Entrance** – Shall be in general accordance with Westera Partners “Preliminary External Roadworks Plans” lodged August 2024 except as amended by this consent. The holding line on the construction access is to provide 9m between the shared path and the holding line.
- **Emergency Access, River Street** – Shall be in general accordance with Westera Partners “Preliminary External Roadworks Plans” lodged August 2024 except as amended by this consent.
- **Works in Emigrant Creek Lane** – All works required for stormwater conveyance from the site, including new culvert under the lane, outlet works to Emigrant Creek, removal of redundant infrastructure and restoration of road pavement and other surfaces. and
- **Other Works** – Includes any earthworks, drainage works and landscaping elsewhere on road reserves associated with this application.

42. Prior to the commencement of works, engineering design drawings shall be submitted to and approved by Council for associated works required under Section 68 of the Local Government Act 1993 for the following works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from applicable Australian Standards, Water Services Association of Australia, National Construction Code:

- **Water Supply and Sewerage Work** – Works are required to provide dual water supply (potable and unpotable) and sewer services to all proposed dwelling and building sites, including all necessary internal and external works and connections to Council’s external water supply and sewerage network. A detailed design is to be submitted to and approved by Council to determine the detailed configuration and specifications of the water supply and sewerage works.
- **Stormwater Drainage Work** – To include but not limited to:
 - External Catchments: - Collection, conveyance and discharge infrastructure for stormwater from all external catchments in general in accordance with “Section 3 Stormwater Quantity Management” of “Stormwater Management Report” Westera Partners dated 3 September 2024, REV 5.
 - Internal Catchments: Collection, conveyance, attenuation, quality treatment and discharge infrastructure for stormwater from all internal catchments in general accordance with “Section 3 Stormwater Quantity Management” of “Stormwater Management Report” Westera Partners dated 3 September 2024, REV 5.
 - Culvert structure provided for conveyance of floodwaters under Road No. 2 and 5 Cell 2400 x 900 flood conveyance box culverts adjacent to Burns Point Ferry Road site entrance. The design for 5 Cell 2400 x 900 flood conveyance box culverts is to minimise the effects of hydraulic losses at the manhole structure and minimise the effects of inundation in high tides.

- All stormwater conveyance works and culverts in the Emigrant Lane road reserve as generally detailed in Westera Civil and Stormwater plans.
43. Prior to the commencement of works, stormwater drainage easements minimum 3m wide, benefiting Council, shall be created over all external catchment conveyance paths through the site. The easement for external catchment conveyance commencing near the southeast corner of Lot 6 DP 537419 shall also benefit Lot 5 and Lot 6 DP 537419. Positive covenants in accordance with Section 88E of the *Conveyancing Act 1919* are to be created over these easements, requiring the owner to clean, maintain and repair the external stormwater conveyance infrastructure within these easements.
44. Prior to the commencement of works, floodwater drainage easements, benefiting Council, shall be created over all floodways, flood channels and floodway culverts conveying floodwaters through the site. Positive covenants in accordance with Section 88E of the *Conveyancing Act 1919* are to be created over these easements, requiring the owner to clean, maintain and repair the floodway and floodway culverts.

Notice of commencement of civil works

45. Prior to the commencement of works, 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.

46. **[deleted]**

Air Quality/Dust Management

47. The required Air Quality/Dust Management Plan must form part of the Construction Environmental Management Plan (CEMP). This Plan must show the locations of all potentially affected properties and residences on a map and provide details of air quality control measures to be undertaken during construction, including:
- Potential sources and impacts of air emissions (including construction dust and odour), and the extent of potentially affect land and properties.
 - Air and dust management objectives consistent with relevant legislation, guidelines and standards.
 - A monitoring program to assess compliance with the identified objectives.
 - Mitigation measures to be implemented, including measures during weather conditions where high dust episodes are likely (such as strong winds in dry weather).
 - A progressive stabilisation/rehabilitation strategy for disturbed surfaces with the aim of minimising exposed surfaces.
 - Contingency plans to be implemented in the event of non-compliances and/or complaints about air emissions (including dust and odour).
 - Procedures for regularly reviewing the effectiveness of the Air Quality/Dust Management Plan.

A Complaints Management Plan and Register must outline a process to handle and respond to complaints and include:

- a) A telephone number on which complaints and enquiries about construction and operational activities may be received.
- b) A postal and email address to which written complaints and enquiries may be sent.
- c) Process for responding to complaints including timeframes.
- d) Information on all complaints received, including name and contact details, the means by which they were addressed and whether resolution was reached.

Pollution of waterways or land due to spills and leaks

48. As part of the Construction Environmental Management Plan (CEMP), the following must be carried out to safeguard and protect adjacent waterways or land due to pollution event:

- A spill kit is to be on-site for the duration of works and regularly maintained. Spill kits should also be provided at all chemical storage facilities/compound sites and located in all vehicles refuelling onsite.
- All relevant personnel are to be trained on the spill response procedure in accordance with the CEMP.
- Ensure all refuelling is completed on level ground and at least 40m away from drainage lines, waterways and sensitive areas.
- Pumps and plant should be bunded to capture any accidental hydrocarbon release.
- All oils, chemicals, toxic substances and combustible liquids associated with construction should be stored in roofed and bunded areas.
- Bunded areas need to have a storage capacity of 110% of the volume of the largest container stored.
- Report any spills to the site Supervisor and/or Environmental Advisor.
- Ensure that concrete washout only occurs in a designated bunded area which is at least 40 metres from the nearest waterway. Regular checks are to be undertaken to ensure controls are maintained and operational.
- Ensure as far as reasonably possible that no concrete activities are undertaken when rain is imminent.

Signage

49. Signs showing contact details (telephone number, email and postal address) for enquiries/complaints from the public must be prominently displayed onsite for public view prior to the commencement of construction works. The signage must remain in place until all constructions works are complete.

Noise Management

50. An updated noise impact assessment undertaken by a suitably qualified acoustic consultant must be provided to and be approved by the Principal Certifier prior to the commencement of works. The assessment must assess noise impacts and mitigation measures considering the amended lot layout shown in the Master Plan BP1073/03.01 prepared by Jared Poole Design dated 16 August 2024.

Noise Management Plan

51. The required construction noise management plan (NMP) must comply with the NSW EPA interim Construction Noise Guidelines to minimise impacts on sensitive receivers and form part of the Construction Noise Management Plan.

Notice of Commencement and Appointment of Principal Certifier

52. Where Council is not nominated as the Principal Certifier the person having the benefit of this development consent is to submit to Council the following information:

- (a) Written notification of the name and details of the Principal Certifier; and
- (b) 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 6 of the *Environmental Planning and Assessment Act 1979* (as amended).

Traffic control

53. 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 works.

Erection of Signs

54. Prior to works commencing, signage is to be erected in accordance with the following:
- (1) A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the Principal Certifier 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 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provision of the NSW Government's building laws.

Sediment and Erosion Control

55. Soil erosion and sediment control measures shall be designed, installed, operated and maintained in accordance with “Section 6 Stormwater Quality Management” of “Stormwater Management Report”, Westera Partners Rev 5 Dated 03-09-2024 and “15 Soil and Water Management” of “Construction Environmental Management Plan (Preliminary) Rev 3 Draft Dated 02-09-2024. Sediment Basins are to be designed as Type A basins in accordance with ICEA Appendix B (June 2018). Erosion and sediment control is to be designed and in accordance with International Erosion Control Association Australasia – Best Practice Erosion and Sediment Control, Book 1 and Book 2 and and Appendix B – Sediment Basin Design, June 2018.

Survey Peg-Out

56. A survey peg-out is to be carried out by a Registered Surveyor to establish the correct position of the boundaries of the allotment before any work commences.

Safety fencing

57. The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder’s name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.

‘No-Go’ fencing

58. To delineate the Limit of Works (LoW) the applicant is to erect visible ‘No-Go’ fencing or the like to the satisfaction of Council. All ‘No-Go’ fencing is to be established around all restoration areas and all other vegetation identified for protection. 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.

Installation of Exclusion Fencing

59. All vegetation and/or trees that are to be retained immediately adjoining construction works areas are to be protected with temporary ‘No-Go’ fencing. The development must not adversely impact trees on neighbouring lots or in Council’s Road Reserve. To comply the applicant must engage a suitably qualified Level 5 arborist to prepare a vegetation protection plan. The tree protection plan must be undertaken in accordance with Australian Standard Protection of trees on development sites AS 4970-2009. Where encroachments into the standard TPZ occurs, additional investigation by the project arborist is required to protect all trees.

This exclusion fencing is to be installed prior to works commencing. All ‘No-Go’ fencing is to be established a minimum of 1 metre outside of the identified root protection zone areas and/or drip line zone whichever is greater. The ‘No-Go’ fencing will remain erected

for the entire construction period. Protection measures must be in accordance with Australian Standard Protection of trees on development sites AS 4970-2009. Where encroachments into the standard TPZ occurs, additional investigation by the project arborist is required to protect all trees/vegetation which have not been assessed for removal. All construction plans are identify the location and purpose of the 'No-Go' fencing.

The project manager is to advise Council's Planning and Environmental Health Division in writing when the 'No-Go' fencing has been established.

Protection of land affected by Biobanking Statement No. 444

60. No impact or works are to occur within the portion of land affected by Biobanking Statement No 444. Where construction works adjoin the biobank site, a temporary exclusion fence labelled as a 'No-Go' Zone using orange mesh and star pickets must be erected prior to the commencement of any construction works. All 'No-Go' fencing is to be established a minimum of 1.0 meter outside the edge of the Biobank site. Activities other than that for ecological restoration is prohibited within the 'No-Go' zones, including:

- b. Machine excavation (including trenching)
- c. Excavation for silt fencing
- d. Cultivation
- e. Storage
- f. Preparation of chemicals, including preparation of cement products
- g. Parking of vehicles and plant
- h. Refuelling
- i. Dumping of waste
- j. Wash down and cleaning of equipment
- k. Placement or storage of fill
- l. Lighting of fires
- m. Soil level changes
- n. Temporary or permanent installation of utilities, signs
- o. Physical damage to trees

Failure to comply with this condition may cause harm or damage to land with high biodiversity value that is particularly sensitive to impacts from development and clearing. Failure to comply with this requirement may result in legal action including an on-the-spot fine being issued by an Authorised Officer of Council and further compliance action under the Biodiversity Conservation Act 2016.

Staff and worker induction for environmental values

61. Site supervisors, coordinators and the suitably qualified persons directing vegetation removal or other protective measures are responsible to ensure that all persons undertaking works are made aware of environmental values that occur on and/or adjoining site.

Landscaping

62. Prior to the commencement of any works, amended landscaping plans are to provided to and approved by the Council that address the following:
- Mosquito buffer requirements within Further Addendum to Mosquito JER in accordance with Condition 91.
 - Bushfire landscaping requirements within Conditions 165
 - Screening between adjoining properties within Planning JER
 - Demonstrates compliance with Vegetation Management Plan prepared by Cumberland Ecology dated 19 September 2024.
 - Floodway/channel requirements as agreed between the flooding experts.

Environmental Toolbox talks

63. A Toolbox talk is required for all personnel involved in activities within the requirement of the Construction Environmental Management Plan (CEMP) prior to the commencement of works. This must be documented and/or incorporated into the CEMP and records kept in the event of environmental harm or damage.

Pre-clearing fauna surveys

64. Prior to the commencement of works, the applicant is required to employ a suitably qualified ecologist to undertake a preclearing survey 48 hours prior to the commencement of any vegetation removal works on the development site. Any fauna residing in vegetation that is to be removed from the development site is to be relocated under the supervision of a suitably qualified ecologist. All clearing works are to be suspended until recorded fauna has been relocated.

Staff and workers pre-start checklists for environmental values

65. The developer is responsible to ensure that all persons undertaking works on site are aware of environmental values that occur or will occur on site. Prior to the commencement of works (including earthworks, clearing or other damage), a pre-start meeting with Council to ensure that:
1. Areas set aside for retention or restoration is clearly protected and marked
 2. Sediment and erosion control is adequately installed and protects environmental values
 3. Progress, timeline, commitment and accuracy of vegetation management

Community signage for environmental values

66. Prior to the commencement of works, the applicant is to develop and display sign(s) that publicise the environmental attributes of the land affected by Biobanking Statement No. 444. The signs must be submitted to Council for review regarding content, Council standards and include measures for maintenance and replacement.

Construction Traffic Management Plan

67. As part of the CEMP, a Construction Traffic Management Plan (CTMP) is to be submitted to and approved by Council prior to the commencement of earthworks. The CTMP must be site specific and address (but not be limited to) the following:
4. Be prepared by a suitably qualified and experienced person(s);
 5. Be prepared in consultation with Council;
 6. Detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 7. Detail the following:
 - Construction volumes;
 - Vehicle types;
 - Origin destination;
 - Routes travelled;
 - Operation times and restrictions;
 - Site access arrangements;
 - Construction traffic impacts;
 - Mitigation measures;
 - Contributions.
 8. Include a Drive Code of Conduct to:
 - Minimise the impacts of earthworks and construction on the local and regional road networks;
 - Minimise conflicts with other road users;
 - Minimise road traffic noise; and
 - Ensure truck drivers use specified routes;
 9. Include a program to monitor the effectiveness of these measures; and
 10. If necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
68. The applicant must not commence construction until the construction Traffic Management Plan required by Condition 66 is approved by Council and implemented for the duration of construction.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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.

Amended Architectural Plans

69. Prior to the issue of any Construction Certificate, amended architectural plans are required to be provided to and approved by the Council the following details:
- a. Screening on all windows, doors and outdoor terrace to mitigate the impact of mosquitos. Screens need to be show on dwellings on Lots 1-7, Lots 42-55, Lots 61-64, Lots 96-97 and Lots 100-110 and be permanent
 - b. Privacy Screening is to be shown on window openings and outdoor terraces on the rear elevation of dwellings on Lot 72-74 and Lots 77 – 95. Screening needs to be of a design that limits view into the rear yards of 31 and 33 Emigrant Creek Lane. Screens may include a combination of horizontal and /or vertical louvres at a density

and angle to limit overlooking, and obscure glazing. The detail is to be submitted to Council for approval.

- c. Water tanks and solar panels need to be shown on each dwelling/dwelling lot as required by the BASIX certificate.

Construction Certificate

70. Prior to commencement of works associated with 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 Certifier for a Construction Certificate.

Schedule of Compliance

71. Prior to the issue of a Construction Certificate, the project manager is to prepare a Schedule of Compliance detailing how each **"PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (Building)"** condition of consent has been complied with and shall be submitted to the Principal Certifier for approval. A copy shall also be provided to Council (if not the Principal Certifier).

Developer Contributions

72. Prior to issue of a Construction Certificate for each Stage (1-6) of the building works identified within Appendix 19.1 of the Construction Environmental Management Plan (Preliminary) prepared by Westera Partners dated 2 September 2024 (building works stages identified on the Master Plan prepared by Jared Poole Design, BP1073/03.01 dated 16.08.24 within Appendix 19.1), 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 7.11 of the Environmental Planning and Assessment Act 1979

Contribution Plan/Development Servicing Plan	Adopted
Cumbalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan Version 4.1	26 July 2018
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	24 October 2019

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 the **attached** Ballina Shire Council Contributions Advice at Annexure A.

Developer Charges

73. Prior to issue of a Construction Certificate for each Stage (1-6) of the building works identified within Appendix 19.1 of the Construction Environmental Management Plan (Preliminary) prepared by Westera Partners dated 2 September 2024 (building works stages identified on the Master Plan prepared by Jared Poole Design, BP1073/03.01 dated 16.08.24 within Appendix 19.1) 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.

Administration/inspection Fees

74. Where Council is not chosen as the Principal Certifier, 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.

Long Service Levy

75. In accordance with Section 4.28 and 6.8 of the EP & A Act 1979 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 \$250,000 or more. Works less than \$250,000 are not subject to the levy.

Section 68 Application

76. A Section 68 Application, under the provisions of the Local Government Act 1993, must be submitted to Council for approval prior to the issue of the Construction Certificate. Such application must be accompanied by the applicable fees and meet all relevant Australian Standards and NSW legislative requirements.

The Section 68 application is to address, but not be limited to, the following matters:

- Stormwater drainage work
- Water Supply work
- Sewerage work

77. Hydraulic drawings must be submitted with the Plumbing and Drainage Section 68 application. Hydraulic drawings must address all water services, sanitary plumbing and drainage, stormwater drainage, trade waste and fire services. The plans are to be designed in accordance with the Plumbing Code of Australia and NSW Code of Practice and the relevant referred to Australian Standards.

Note: Where drains are to be laid in filled, unstable (soil class H1, H2, E or P sites) or water-charged ground, a performance solution to address the requirements of the Plumbing Code of Australia Part C2P7 must be submitted to Fair Trading NSW for approval.

Trade Waste

78. The Applicant is to submit a Classification A Trade Waste Application and pay the associated fee. The applicant shall submit a Section 68 application along with hydraulic plans for the proposed works on the property. Appropriate trade waste pre-treatment equipment shall be installed at the premises for each trade waste activity.

Bushfire Protection

79. Asset Protection Zones (Inner Protection Areas Only)

Prior to the issue of a Construction Certificate, amended plans are to be provided to and approved by the Principal Certifier that indicate during works and in perpetuity the property within the development footprint shall be managed as follows:

- The whole of the development area (including mosquito buffer) is to be managed as an Inner Protection Area; and
- Extend to the south and east of Lots 42-53, 61-64, 81-88, 96-110 incorporating the 'mosquito buffer' for a distance of 25 metres as an Inner Protection Area.

The Inner Protection Area must be managed in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* (PBFP 2019), and shall comprise:

- Minimal fine fuel at ground level (leaves and debris should be removed) in conjunction with mowing;

- Grass, mowed to provide no more than 100mm in height at regular intervals and as required (weekly from 1 September until 30 April each year)
- Trees and shrubs may be retained as clumps or islands, which do not take up more than 20% of the non-buildable area
- Tree canopy cover (projected) in the non-buildable area shall be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2 metres above the ground;
- Tree canopies are to be separated by 2 to 5 metres;
- Preference should be given to smooth barked and evergreen trees; and
- Shrubs should only create large discontinuities or gaps in the vegetation, should not be located under trees or tree canopies, should not form more than 10% of the ground cover, and clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the shrubs at maturity.

80. New construction for all buildings must comply with sections 3 and 5 (BAL 12.5) of Australian Standard AS3959- 2018 Construction of Buildings in Bushfire Prone Areas; and

- Section 7.5 of *Planning for Bush Fire Protection 2019*;
- Sarking shall be non-combustible and vapour permeable; and
- Gutter guards and valley guards are to be installed to free flush leaves and debris from the roof and shall be non-combustible

Access

81. Prior to the issue of a Construction Certificate, amended plans are required to be provided with certification from a suitably qualified access consultant that indicate the clubhouse and all public amenities comply with AS 1428.1:2021 and AS 1428.2-19-92.

Car Parking

82. The development shall provide two parking spaces per home site and 64 visitor parking spaces including 6 on site car parking spaces for people with a disability.

10 parking spaces including one disability parking spaces are to be provided at the club house and amenities complex.

83. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier prior to issue of the Construction Certificate.

Car Parking – Accessible

84. The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier prior to issue of the Construction Certificate.

Access and Useability Standards compliance

85. All plans for the construction of the new dwellings and the development site are to include details demonstrating compliance with the access and useability standards contained within Schedule 4 of *State Environmental Planning Policy (Housing) 2021*. The plans are to be accompanied by a access report prepared by a suitably qualified access consultant which demonstrates compliance with the standards in Schedule 4.

The report is to be submitted to and approved by Council prior to the issue of the first Construction Certificate for the development or the commencement of any works, whichever occurs first.

State Environmental Planning Policy (Housing) 2021

86. Prior to the issue of the first Construction Certificate for the development, a suitably qualified access consultant must provide certification to the Principal Certifier that the construction drawings and plans prepared for the development site complies with the access and useability standards contained within Schedule 4 of *State Environmental Planning Policy (Housing) 2021*.
87. Prior to the issue of the Construction Certificate for each dwelling, a suitably qualified access consultant must provide certification to the Principal Certifier that the construction drawings and plans prepared for each serviced self-care dwellings comply with the access and useability standards contained within Schedule 4 of *State Environmental Planning Policy (Housing) 2021*.

Mosquito Management

88. To inform residents, staff, visitors and future residents of the mosquito activity at the development, an ongoing mosquito awareness and avoidance program must be developed by a suitably qualified and experienced entomologist. The Program must be submitted to and approved by the Principal Certifier with a copy provided to Council prior to the issue of the first Construction Certificate. The program must include but not be limited to information distributed to staff, residents, interested purchases/future residents outlining nuisance and health risks associated with mosquitoes, mosquito avoidance strategies, personal protective measures and measures to reduce or eliminate backyard mosquito breeding sites. It must also outline how the information will be distributed to ensure adequacy of distribution.
89. The dwelling design/plan on Lots 1-7, 42-55, 61-64, 96-97 and 100-110 as shown on the Masterplan, drawing BP1073/03.01 Rev Q, prepared by Jared Poole Design, dated 16 August 2024 must be amended to include screened indoor/outdoor area to enable residents to enjoy an outdoor lifestyle during periods of elevated mosquito activity. The amended plans must be provided to and approved by the Principal Certifier prior to the issue of a Construction Certificate for the development.
90. An amended Landscape Plan clearly showing the required 25m mosquito buffer including existing vegetation, proposed plantings, plant species, densities and distances between

the plants must be provided to and approved by the Principal Certifier prior to the issue of a Construction Certificate. The amended Plan must only include vegetation types PA5A Mosquito Buffer Planting or PA5C Mosquito Buffer Planting on Batter within the mosquito buffer as shown in Landscape Plan Issue G - Planting Schedule, prepared by CUSP dated 13 August 2024. The Plan must also be accompanied by certification by a suitably qualified person confirming the Plan adequately addresses vegetation requirements within a mosquito buffer.

Dual Water Supply

91. The applicant shall be responsible for the design and construction of a dual water supply system for both drinking water and recycled water that services each dwelling and building within the proposed development, complying with Ballina Shire Council's Dual Water Supply Plumbing Policy.

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

Note: All infrastructure within the development shall be operated and maintained by the applicant/developer.

Water Meters

92. Each dwelling site and major building site 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 unit developments, Council shall require the installation of remote read meters in accordance with Council's Water Metering Policy. This includes a master meter and sub meters on each tenancy.

Electricity

93. The applicant shall be responsible for all costs associated with the connection of underground reticulated electricity to each dwelling and building site within the development. Design plans are to be submitted to and approved by the Principal Certifier prior to issue of the Construction Certificate.

Telecommunications

94. At the expense of the applicant and in accordance with the Federal Government's National Broadband Network (NBN) initiatives, the applicant is required to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN Co's specifications to allow for the installation of 'fibre to the home' (FTTH) broadband services. Certified design drawings must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

Food Premises

95. Plans (including sections and elevations) and specifications showing details of all food preparation, bar 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 Council and approval obtained prior to the issue of the Construction Certificate. The applicant shall construct and fit-out the premise in accordance with the provisions of Chapter 3 of the Australian Food Standards Code, Standards 3.1.1, 3.2.2 and 3.2.3.

Waste Collection

96. If waste collection is to be provided by Council's kerbside collection service from private property:
- The Owners Corporation or equivalent must sign an agreement that effectively indemnifies Council against any claim for damage caused to property, road, vehicles, vegetation or any infrastructure resulting from accessing and collecting of bins on the private road.
 - The road and access points must be constructed to safely accommodate a Council waste collection vehicle.
97. A construction site waste minimisation management plan must form part of the Construction Environmental Management Plan and be provided to and approved by Principal Certifier prior to the issue of the Construction Certificate in accordance with the requirements of Council's Development Control Plan 2012 Chapter 2 Part 3.7.

Acoustic Construction Requirements

98. All dwellings must be designed in accordance with the construction requirements outlined in the updated approved noise impact assessment as required by Condition 50. Plans and specifications certified by a suitably qualified acoustic consultant must be provided to and be approved by the Principal Certifier prior to the issue of a Construction Certificate.
99. All openable façade glazing in the clubhouse must be installed with acoustic seals as outlined in the Acoustic Report, prepared by Acoustic Works, dated 15 December 2022. This requirement must be included in construction plans prior to the issue of any Construction Certificate.
100. All openable façade glazing in the clubhouse must be installed with acoustic seals as outlined in the Acoustic Report, prepared by Acoustic Works, dated 15 December 2022. This requirement must be included in construction plans prior to the issue of any Construction Certificate.
101. A noise impact assessment for use of the manager's residence as the temporary clubhouse must be undertaken by a suitably qualified person. The report must be provided to and be approved by the Principal Certifier prior to the issue of a construction certificate. If structural measures are required to mitigate noise, these must be included

in the temporary clubhouse construction plans which have been certified by a suitably qualified acoustic consultant.

102. [deleted].

Trade Waste Application

103. Prior to issue of the Construction Certificate, the applicant is to submit a Trade Waste Application and pay the associated fee. A trade waste report shall be submitted with hydraulic plans and shall detail the proposed trade waste pre-treatment in accordance with DPIE Trade Waste Regulation Guidelines National Guideline for Managing Food, Fat, Oils and Grease (FFOG) from Food Premises, October 2018 developed by the Water Services Association of Australia (WSAA).

Fire Safety

104. A fire safety schedule, in accordance with section 147 of the *Environmental Planning and Assessment Regulation 2021*, specifying the fire safety measures that should be implemented in the clubhouse is to be submitted to council prior to the issue of a Construction Certificate.

105. Prior to the issue of the Construction Certificate, a suitably qualified consultant is to confirm that the fire hydrant coverage to the clubhouse and seniors dwellings sites is adequate and in accordance with AS 2419.1 (inclusive of adequate pressure and flows).

Accessibility

106. Prior to the issue of the Construction Certificate, a suitably qualified accredited access consultant must provide certification that the fully detailed construction drawings and plans prepared for the clubhouse comply with the *Disability (Access to Premises – Buildings) Standards 2010*, *Building Code of Australia* (with respect to accessibility provisions) and *AS 1428.1-2009*.

Odour Awareness

107. To inform purchasers and residents, of the periodic odour issues from nearby natural emission sources, an ongoing odour awareness and education program must be developed by a suitably qualified and experienced person. The Program must be submitted to and approved by the Principal Certifier with a copy provided to Council prior to the issue of the first Construction Certificate. The program must include but not be limited to educational material about how, why and when it occurs, potential health risks and measures to avoid impacts. It must also outline how the information will be distributed to ensure adequacy of distribution.

108. All dwellings must have sealable windows and doors and be provided with filtered mechanical air ventilation to minimize odour impacts. Dwelling construction plans must

include these requirements and be approved by the principal certifier prior to the issue of the first Construction Certificate.

109. A wash bay must be provided to allow residents to wash their vehicles, boats or other items without polluting the stormwater. The wash bay must be covered, bunded and drained to sewer via a Council approved pre-treatment device. Details must be provided to and approved by the Principal Certifier prior to the issue of a Construction Certificate. Full details must also be provided in a section 68 application and be approved by Council's Trade Waste Officer prior to the issue of the Construction Certificate. Drainage details must be incorporated into the hydraulic plans.

Public Health – Food Premises and Hair Salon

110. 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, location of kitchen/handwash/cleaners sinks/toilets of the food premises within the clubhouse are to be submitted to Council and approval obtained prior to the issue of the Construction Certificate. The applicant shall construct and fit-out the premise in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
111. 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, location of kitchen/handwash/cleaners sinks/toilets of the hair salon within the clubhouse are to be submitted to Council and approval obtained prior to the issue of the Construction Certificate. The applicant shall construct and fit-out the premise in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.

Swimming Pool

112. The owner of any premises in or on which a new indoor swimming pool is situated must ensure that the means of access to the swimming pool are restricted in accordance with the standards prescribed by the Regulations.

The part of the building in which an indoor swimming pool is situated must be isolated from every other part of the building, and from the outside of the building, by construction no less inferior than that required for fences by *Australian Standard 1926.1, the Swimming Pools Act 1992 and Swimming Pools Regulation 2018*.

Any door or gate giving access to the part of the building in which an indoor swimming pool is situated must operate in a manner, and be of a construction, no less inferior than that required for gates by *Australian Standard 1926.1, the Swimming Pools Act 1992 and Swimming Pools Regulation 2018*.

Any window or other opening (not being a door or a gate) between the part of the building containing an indoor swimming pool and any other part of the building, or between that

part of the building and the outside of the building, must comply with one of the following requirements:

- (i) The window or other opening must be totally enclosed by a grille in such a way that there are not openings large enough to allow a round bar of diameter 105mm to pass through. The grille must be of construction no less inferior than that required for fences by *Australian Standard 1926.1, the Swimming Pools Act 1992 and Swimming Pools Regulation 2018*.

113. The swimming pool (including treatment systems) and surrounds must be designed constructed, installed and operated by suitably qualified and experienced professionals in accordance with the *Public Health Act 2010*, *Public Health Regulation 2022* and the NSW Health Public Swimming Pools and Spa Pools Advisory Document if users of the pool include people other than residents or their visitors and would meet the definition of a public swimming pool in the *Public Health Act 2010*.

114. A suitably qualified and experienced consultant must provide certification to the Principal Certifier prior to the issue of the Construction Certificate that the swimming pool (including treatment systems) and surrounds have been designed to comply with the Public Health Act 2010, Public Health Regulation 2022 and the NSW Health Public Swimming Pools and Spa Pools Advisory Document available on the NSW Health website at <http://www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx> if users of the pool include people other than residents or their visitors and would meet the definition of a public swimming pool in the *Public Health Act 2010*.

DURING CONSTRUCTION

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

No Works in Proximity Area to Coastal Wetlands

114A. "During any construction works occurring on the subject site, no impact or works (including machinery or vehicle movements) are to occur within the portion of the land mapped as being on the 'proximity area to coastal wetlands' on the 'coastal wetlands and littoral rainforests areas map' under the SEPP (Resilience and Hazards) 2021 and fenced accordingly as a no-go zone"

Acid Sulfate Soil Management Plan

115. Acid sulfate soils must be managed in accordance with the revised Acid Sulfate Soil Management Plan prepared by Gilbert + Sutherland September 2024, Revision 4.

Hours of Construction

116. 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.

Truck movements associated with the importation and exportation of fill are only permitted to occur within the hours of 9am to 3pm, Monday to Friday.

Noise Control

117. 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).

118. All demolition and construction vehicles (including concrete agitator trucks) are not to arrive at the project site or surrounding residential areas prior to the approved start time of works for the day.

Maintenance of Temporary Vegetation Management Fencing

119. During works, the temporary conservation fencing and associated signage, as required by Condition 27 of this consent is to be maintained in a good order to protect the vegetation.

Implement Vegetation Management Plan

120. Implementation of the Vegetation Management Plan dated 19 September 2024 must commence within 30 calendar days after the commencement of any construction works associated with this consent.

Civil Works

121. All civil construction works (including works under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993*, shall be completed in accordance with conditions, plans and specifications approved in the development application, Council approvals for S68 Local Government Act and S138 Roads Act works and construction certificate and 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.

122. Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Ph 1300 864 444) 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.

Traffic Control

123. 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).

Tree Removal

124. Tree removal works are to occur in accordance with the updated Arboricultural Impact Assessment Report as required by Condition 25, including the Recommendations and Tree Protection Measures in accordance with AS 4970-2009 Protection of Trees on Development Sites.

Stormwater Management Plan

125. The applicant shall be required to implement the approved Stormwater Management Plan. Detailed reporting from the Project Manager must be submitted to The Principal Certifier and forwarded to Council during the construction phase to demonstrate compliance with the requirements of the approved Stormwater Management Plan.

Stormwater – Mosquito management

126. All stormwater management infrastructure/devices including (but not limited to) collecting traps, swales, bio filtration and retention basins must be designed, constructed installed and maintained in accordance with the approved Construction Environmental Management Plan approved under the Condition 20A (C) to ensure they don't provide mosquito habitat.

Damage to infrastructure

127. 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 1300 864 444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

Construction Access – River Street

128. A single all weather accessway is to be provided on site that extends from the kerb to the building construction site, construction in accordance with an approval under Section 138 of the Roads Act 1993. All construction vehicles are to enter and exit the site via this accessway so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material.

129. 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.

Stockpiles to be Covered

130. 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.

Earthworks and filling

131. 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 earthworks and filling shall also be undertaken in accordance with the Geotechnical Investigation approved with the Construction Certificate and monitored by a Registered Geotechnical Testing Consultant.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

Revegetation of disturbed areas

132. 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.

Pollution incidents

133. 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*.

Clean up equipment

134. Clean up equipment including suitable absorbent material must be available on site to effectively deal with liquid contaminates such as oils, fuels and chemical spills.

Storage of Materials

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

Waste Management

136. All demolition, construction and the like waste must be managed in accordance with the Construction Environmental Management Plan (CEMP) approved.

Construction Environmental Management Plan

137. The Construction Environmental Management Plan (CEMP) approved by this consent must be implemented for the duration of construction works.

No Burning

138. In accordance with the *Protection of the Environment Operations (Clean Air) Regulation 2022*, no burning of vegetation or other waste material shall occur on site. All vegetation waste must be composted, reused or removed to a licenced waste management facility.

Sediment and Erosion Control

139. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
140. Sediment and erosion control measures shall be installed and effectively maintained to control stormwater runoff. All disturbed and exposed areas shall be immediately stabilised and revegetated on completion of earthworks. The use of a sterile hydromulch is required for the quick stabilisation of large exposed areas and repeat treatments may be required if germination does not occur within two weeks.

Dust Control

141. Exposed surfaces including access pads and stockpiles must be regularly wetted to suppress dust generation. As a minimum, at least one water truck must be available at the site at all times. Water sprays, sprinklers, dust suppression material such as hydromulch, and covering of stockpiles and physical barriers shall also be used to prevent the emission of dust from the site. All disturbed areas shall be stabilised by hard surface or revegetated immediately after they are completed. Additional dust suppression 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 Certifier prior their use.
142. Daily inspections of all erosion, dust and sediment controls must be carried out to ensure they are adequately maintained. Inspections of all such controls must also be carried out prior to the onset of heavy rain.

Vehicles and trailers to be covered

143. The body of any vehicle or trailer used to transport waste or excavation spoil shall be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site shall be removed before leaving the premises.

Remediation

144. 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 Certifier.

Materials Movement

145. The export of waste and import of fill material must be in accordance with:
- i. 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
 - ii. current Resource Recovery Orders and Exemptions.
146. Any material the subject of a resource recovery exemption and order or virgin excavated natural material (VENM) received at the development site must be accompanied by documentation as to the material's compliance with the exemption and order requirements and VENM definition under the *Protection of the Environment Operations Act 1997*. Documentation must be provided to the Principal Certifier and Council upon request.

Clearing hollow-bearing trees

147. Any hollow-bearing trees (HBT) to be removed as part of the development shall be inspected for the presence of animals by a suitably qualified person, prior to their removal. Where animals are found, they shall be encouraged to leave, or captured for later release on another site. Nocturnal animals shall be released at dusk. Injured fauna shall be transferred to the care of Northern Rivers Wildlife Carers (NRWC), a NRWC recommended veterinarian, WIRES or similar organisation.

Any hollow trees to be removed shall be removed in accordance with the following conditions:

- Where possible, the retention of trees with hollows must be prioritised over any other non-conservation significant habitat.
- Hollows shall be inspected for the presence of fauna and any animals found shall be encouraged to leave before the parts with hollows are removed.
- Hollows shall be removed intact and gently lowered to the ground for further inspection.
- Hollows shall be placed on the ground in areas of vegetation in other parts of the property and left for use by terrestrial fauna species.
- Re-check after felling hollow-bearing to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be safely located to nearby habitat.
- If taking the HBT tree down in stages, the non-hollow-bearing branches should be removed before the hollow-bearing branches are removed.
- Fell trees into the zone of disturbance to avoid damaging adjacent vegetation.
- Take care when moving equipment near vegetation to be retained.
- Rather than mulching or burning cleared vegetation, logs from the felled trees should be distributed into areas of vegetation to be retained where it would not be considered

a fire hazard. This would provide additional potential habitat for ground dwelling fauna such as reptiles and small mammals.

Vegetation Clearance Methodology – Two Stage

148. To minimise impacts to native fauna species, clearing must be undertaken in a two staged process under the supervision of a suitably qualified Ecologist/Fauna Spotter-Catcher.

- a) Initial phase of clearing will involve clearing around the habitat features identified in the pre-clearance survey. The habitat features will be left overnight, giving any resident fauna a chance to leave prior to felling.
- b) The second stage will involve clearing of habitat features left overnight, followed by an inspection. Prior to felling, habitat trees will be nudged by an excavator to promote any resident fauna a chance to self-relocate. No habitat tree should be felled without a qualified Ecologist/Fauna Spotter-Catcher providing approval to the machine operator.

Any fallen trees should be investigated by the attending Ecologist/Fauna Spotter-Catcher for the presence of hollows not detected prior to clearing. Inspections should be undertaken of any such hollows for native fauna.

Protection of native fauna

149. On the day of clearing and prior to vegetation clearing taking place, a suitably qualified ecologist (who holds a valid licence with a minimum 2 years' experience as a fauna spotter catcher) must walk over the development footprint to ensure that no Koalas are within 30 metres of the development footprint, no roosting birds or bird nests are present, to locate possible hollows and other fauna. Provisions to protect native fauna encountered during clearing works are to include:

- Briefing of all people involved in clearing works about the possibility of fauna being present;
- Any habitat trees must not be removed without the consent from the attending ecologist;
- Any fauna must be allowed 24 hours to move to adjacent undisturbed areas at their own volition;
- In the event that fauna is not moving outside the development footprint or nests are observed, works must be temporarily suspended for the suitable ecologist to attend;
- In the event that fauna is injured, WIRES or other relevant wildlife carers be contacted immediately; and
- If any animals are injured during vegetation clearance, appropriate steps must be taken to humanely treat the animal under the advice of the qualified wildlife carer or ecologist.

Protection of Vegetation/Koala Habitat

150. Any vegetation and/or koala habitat that are to be retained as part of this development are to be protected during construction works on the site. The following measures are to be implemented:

- a) Establishment of a tree protection zone at least 1 meter from the outline of the canopy of any retained food trees;
- b) Erection of temporary koala fencing around the tree protection zone of any retained food trees to protect the retained trees during construction works;

- c) Erection of signage to provide clear and accessible information to indicate that a tree protection zone has been established; and
- d) Preclusion of activities such as construction, excavation, storage of materials and the parking of vehicles and plant within any tree protection zone.

Vegetation and habitat removal

151. 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 either removed from the site and disposed of in an appropriate manner or stored appropriately on site outside sensitive areas for reuse during native revegetation works.

Prevention of invasive plant diseases and weeds

152. Any plant or material utilised must be clean and free of pathogens prior to entering the subject lot as per the 'Arrive Clean, Leave Clean – Guidelines to help prevent the spread of invasive plant diseases and weeds threatening our native plants, animals and ecosystems' produced by the Commonwealth of Australia 2015. Pathogens or other invasive species must be managed to not be introduced or transported into the site.

Impact on protected marine flora and fauna

153. As per the Construction Environmental Management Plan (CEMP), works near marine vegetation (seagrass, mangroves and saltmarsh) and aquatic vegetation (phragmites and other aquatic vegetation) on water land are to be identified and appropriately delineated as 'No-Go' areas (with the aim of avoiding harm to these areas).

- Ensure that 'No-Go' areas are adequately fenced and sign posted with 'No-Go' signs prior to commencing works.
- No works/clearing of vegetation outside of approved clearing limit.
- No impact to vegetation without approved Clearing Permit – s205 of Fisheries Management Act 1994 for harm to marine vegetation or other relevant approval.
- Minimise mangrove trimming to the locations identified in the permit application (if applicable). Mulch and deposit removed mangrove trees or trimmed branches appropriately on land; and remove mangroves using hand held tools only.
- No access outside of the clearing limits without approved Permit to Access.
- Where possible, retain riparian vegetation for translocation. For example *Lomandra* sp. can be scooped out with excavator bucket, stored on higher ground and reinstated as part of revegetation works.
- How cleared native vegetation can be mulched, stored and on site and used to create wind rows (300mm high by 300mm wide) or a thin mulch layer (no more than 100mm high, just enough to provide rain drop protection) for sediment and erosion control. Do not apply a mulch blanket in low lying, wet or regularly inundated areas. This control option is much cheaper than using geofabric and can be combined with revegetation activities.
 - No entry into Environmentally Sensitive areas as per the Erosion and Sediment Control Plan, Construction Environment Management Plan (approved under C), and recommendations on how ongoing checks of integrity of sensitive area fencing is carried out.
 - Aim to plan works during the dryer months being May through to October.
 - Process to Report any injury of fauna to a wildlife specialist.

- Consideration of frog exclusion fencing is installed where required and process that it is installed and intact prior to the commencement of works.
- Fence and clearly signpost all heritage, protected flora and fauna or any other environmentally sensitive areas that exist within 50 metres of any given waterway works.

PRIOR TO ISSUE OF 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.

Occupation Certificate

154. Prior to the issue of an Occupation Certificate, for any building including the clubhouse authorised by this consent, all works required of the development for that relevant stage including all earthworks, civil, road, stormwater, infrastructure works and environmental protection and management works are to be completed to the satisfaction of Council. A detailed schedule of compliance prepared by the Project Manager documenting how each relevant condition has been addressed is to be submitted to Council for approval.
155. No buildings are to be occupied until an Occupation Certificate has been issued by the Principal Certifier for that building.
156. Occupation of the site for the purposes authorised by this consent shall not commence until the conditions of this consent relevant to the stage have been complied with and an Occupation Certificate is issued by the Principal Certifier for the relevant stage.

Landscaping

157. Prior to the issue of any Occupation Certificate, all landscaping works are to be complete in accordance with the amended Landscape Plans approved under condition 62 for the relevant stage, and details provided to the Council by a suitably qualified person to indicate the works have been complete.

Fire Safety Certificate

158. Prior to issue of an Occupation Certificate for any Class 2 to 9 building, the owner or owner's agent, is to provide the Principal Certifier with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the Building Code of Australia.

Bushfire Protection

159. **Access – Internal Vehicular Access (Other than Roads 04, 05, and 08)**
Prior to the issue of an occupation certificate, all internal (on-site) vehicular access roads (Roads 01 and 02) from the intersection of Burns Point Ferry Road to the Club house shall demonstrate compliance with the following requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- Vehicular access roads shall be two-wheel drive with a trafficable, all-weather surface;
- Vehicular access for car parking is provided;
- Traffic management devices are not to be constructed;
- Internal vehicular access road widths (except for perimeter roads) shall be maintained to allow a 2-way traffic (5.5 m wide) in all passing locations plus parking bays.
- Internal vehicular access road curves have a minimum radius of 6 metres and allow for rapid access and egress;
- A minimum vertical clearance of 4 metres to any overhanging obstructions within the vehicular access, including tree branches, is provided and maintained;
- Vehicular access road entrances are clearly sign posted and bridges clearly indicate load rating; and
- The internal vehicular access road surfaces and bridges have a capacity of 23 tonnes.

160. Access – Internal Vehicular Access Roads (Road 04, 05 and 08)

Prior to the issue of an Occupation Certificate the access roads 04 and 05 shall demonstrate compliance with the following requirements of Table 6.8b of Planning for Bush Fire Protection 2019:

- all-weather access to the internal main road system,
- shall be certified as meeting the requirements for a NSW Fire and Rescue Pumper, being (for use at any time to carry a load of 23 tonnes)
- shall be four metres wide with a one metre slash on each verge,
- with a minimum vertical clearance of four metres to any overhanging obstructions including tree branches,
- the curvature from Road 02 to Roads 04 and 05 shall be capable of allowing a swept path for a Medium Rigid Vehicle (RFS Category 1 Tanker),
- a vehicle turning head at the end of each road (Roads 04, 05 and 08) in accordance with Figure A3.3 of Planning for Bush fire Protection 2019.

161. Emergency access/egress Road (Road 03)

Prior to the use of the development of Stage 1, the proposed emergency access/egress route to River Street is to be established and must meet the following requirements:

- The width of the road shall not be less than 4m with roll-top kerbs and with a 1 metre slash on each verge.
- The route must be load rated and certified as suitable for use at any time for a fully loaded fire fighting vehicle (up to 23 tonnes);
- 'Emergency Only' signage must be provided at the intersection with River Street and within the site boundary connecting to Road 01;
- Friable bollards are to be installed at the entrance of Road 3 where it connects with River Street and at Road 01;
- If the route is gated at any point, the lock/key system (if any is used on the gate) is authorised by the local district office of the NSW Rural Fire Service.

162. Water and Electricity

Prior to the issue of any Occupation Certificate, water and electricity services shall meet the following requirements:

- The development must be connected to the reticulated supply of the local water supply authority, and
- Have a minimum of 20,000 litres dedicated static water supply for firefighting purposes near the Club House which is accessible for fire fighters
- The reticulated supply:
 - Fire hydrant spacing, design and sizing shall comply with the relevant clauses of AS2419.1: 2021;
 - Water supply shall be via a ring main system around the buildings and be sited underground outside of the internal road and/or emergency access/egress roads;
 - Fire hydrant flows and pressures shall be certified by the local water supply authority as complying with the relevant clauses of AS2419.1: 2005.
- The dedicated water supply:
 - Shall be a non-combustible tank,
 - Shall incorporate a metal 65mm Storz outlet with ball and gate valve fitted to the outlet,
 - Shall incorporate a hardened ground surface for truck access within 4 metres of the tank with unobstructed access at all times.
- Electrical transmission lines are to be underground
- Reticulate or bottled gas is not to be connected with any building (subject to a restriction to title).

163. Landscaping

Landscaping around the proposed building and forming part of the Vegetation Management Plan prepared by Cumberland Ecology dated 19 September 2024 and within the asset protection zone shall comply with Appendix 4 of PBFP 2019 and the conditions of this consent.

164. Bushfire Emergency and Evacuation Planning Plan

Prior to the issue of an Occupation Certificate:

- (A) A draft Bush Fire Emergency Management and Evacuation Plan shall be prepared/updated consistent with “Development Planning: A guide to developing a Bush Fire Emergency Management and Evacuation Plan” and the associated template. The plan shall include, but not limited to the following and be implemented and complied with at all times:
 - Procedures to ensure effective and safe management of residents, including residents with a disability, staff and vehicle to/and from the site in the event of a bushfire;
 - Procedures for the training of residents and on-site manager in the evacuation routes and means of leaving the site for safe refuge (including unlocking gates in fencing); and
- (B) The draft Bush Fire Emergency Management and Evacuation Plan shall be subject to a ‘peer review’ by a bushfire consultant appointed by the Council, and that the Plan be revised and finalised in the light of the peer review and consultation with council’s bushfire consultant undertaken within 14 days of the date of the report. The reasonable cost of the peer review and consultation is to be met by the Applicant (without the need for a further peer review).

- (C) The final Plan shall be subsequently revised, and residents provided training and drills annually prior to the commencement of the Statutory Bush Fire Danger Period and to ensure procedures, contact lists and roles are current.

Mosquito Management

165. In accordance with Ballina DCP 2012 Chapter 2 Part 3.6 'Mosquito Management', all windows, external doors and other openings of habitable buildings must be provided with effective insect screening. All openings of any rainwater tanks must also be fitted with screening of a durable material to prevent mosquito breeding and insect entry.
166. Dwellings on Lots 1-7, 42-55, 61-64, 96-97 and 100-110 as shown on the Masterplan, drawing BP1073/03.01 Rev Q, prepared by Jared Poole Design, dated 16 August 2024 must each be provided with a screened indoor/outdoor area to enable residents to enjoy an outdoor lifestyle during periods of elevated mosquito activity in accordance with the approved amended plans required by Condition 90.
167. The mosquito buffer must only comprise vegetation included in the approved Landscaping Plan (via Condition 90) and must be certified by a suitably qualified mosquito consultant prior to the issue of an Occupation Certificate.

Note: The vegetation must be of a suitable type to manage the mosquito risk and not encourage the movement of mosquitoes between mosquito breeding and harbourage sites and residential lots. Any vegetation present that is not included in the approved Plan for the mosquito buffer must be removed prior to the issue of the Occupation Certificate for the first dwelling house.

Acoustic Barriers

168. Acoustic barriers must be installed in accordance with that outlined in the updated and approved noise impact assessment required by Condition 50. Certification by a suitable qualified acoustic consultant must be provided to the Private Certifier confirming the barriers have been constructed and located in accordance with these requirements to achieve the needed noise attenuation.

Trade Waste

169. Prior to the operational use of the clubhouse, the developer must ensure that all pre-treatment equipment as outlined in the Trade Waste Approval is installed, inspected and commissioned. A pre-operation inspection is required by Council that demonstrates compliance with the requirements of the Trade Waste approval, prior to the issue of an Occupation Certificate for the clubhouse.

Noise Management

170. All dwellings must be constructed in accordance with the approved plans and construction requirements as outlined in the updated noise impact assessment as required by Condition 50. Certification by a suitably qualified acoustic consultant must be

provided to the Principal Certifier confirming dwellings have been constructed to achieve the required level of noise attenuation prior to the occupation of any manufactured home.

171. All dwellings on lots nominated in the updated noise impact assessment must be provided with an alternative ventilation system in accordance with the National Construction Code, such as air conditioning or mechanical ventilation to allow doors and windows to be closed.
172. All mechanical plant must be designed located and installed to comply with the project specific noise criteria included in the approved updated noise impact assessment. Certification by a suitably qualified acoustic consultant confirming compliance must be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.
173. All openable façade glazing in the clubhouse must be installed with acoustic seals.
174. Certification by a suitably qualified acoustic consultant must be provided to the Principal Certifier confirming all required noise mitigation structural measures have been incorporated into the manager's residence to achieve the relevant noise criteria for use as a temporary clubhouse included in the noise impact assessment required by Condition 50. Prior to issue of an Occupation Certificate.

Public Health - Food Premises and Hair Salon

175. A final inspection of the commercial kitchen fit-out within the clubhouse by Council's Environmental Health Officer is to be conducted and the appropriate professional services fee is to be paid prior to the issuing of any Occupation Certificate. Trading must not commence until the food premises has 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. 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.
176. A final inspection of the hair salon fit-out within the clubhouse by Council's Environmental Health Officer is to be conducted and the appropriate professional services fee is to be paid prior to the issuing of any Occupation Certificate. Trading must not commence until the premise has 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.

Civil works

177. All civil works approved under Section 138 of the *Roads Act 1993* and water supply, sewerage and stormwater drainage approved under s68 of the Local Government Act, are to be completed to the satisfaction of Council prior to issue of an Occupation

Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and the approved design.

Car Parking Certification

178. The construction of all car parking and vehicular accesses is to be in accordance with the approved plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate.
179. The construction of all car parking spaces for people with a disability is to be in accordance with the approved plans and Australian Standard AS /NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate.

Stormwater Certification

180. Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifier that all stormwater works have been provided in accordance with the approved Construction Plan. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. 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.

Civil Maintenance Bond

181. Prior to the issue of an Occupation Certificate, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:

- Civil Maintenance Bond: Equal to 5% of the estimated cost of the works in the road reserve (Refer to Council's Schedule of Fees & Charges for minimum fees)

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

Asset Listing

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

Works-as-Executed (WAE)

183. After works are completed, the applicant shall submit to Council an electronic copy of the WAE information for all public domain works in AutoCAD and PDF format. All

AutoCAD data is to be on MGA zone 56 coordinates and AHD for levels with separate layouts within the drawing for roads, water, sewer and stormwater drainage. Separate PDF 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.

Dilapidation Report (Post-Construction)

184. Prior to the issue of an Occupation Certificate, the applicant shall engage a certified practising Engineer to prepare a Post-Construction Dilapidation Report at the completion of construction works for the development. This report must ascertain whether the construction works created any structural damage to all existing adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate for the development. A copy of the report must also be forwarded to Council. Any structural damage identified under the dilapidation report as being caused by the development must be repaired by the applicant to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

Backflow Prevention

185. 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.

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

Odour Minimisation

187. A suitably qualified person must provide certification to the Principal Certifier that all dwellings have sealable windows and doors and are provided with filtered mechanical air ventilation to minimize odour impacts prior to the issue of an Occupation Certificate.

Retaining Wall Certification

188. Prior to the issue of an Occupation Certificate, certification must be provided to the Certifier that all retaining wall works have been provided in accordance with the approved Construction Plan and associated Design Report from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project.

Swimming Pool

189. A suitably qualified and experienced consultant must provide certification to the Principal Certifier prior to the issue of the Occupation Certificate that the swimming pool (including treatment systems) and surrounds have been constructed and installed to comply with the Public Health Act 2010, Public Health Regulation 2022 and the NSW Health Public Swimming Pools and Spa Pools Advisory Document available on the NSW Health website at

<http://www.health.nsw.gov.au/environment/publicpools/Pages/default.aspx> if users of the pool include people other than residents or their visitors and would meet the definition of a public swimming pool in the *Public Health Act 2010*.

190. Notification must be made to Council to include the swimming pool on Council's Public Swimming Pool Register and inspection program and the appropriate fee paid, prior to the issue of any Occupation Certificate if users of the pool include people other than residents or their visitors and would meet the definition of a public swimming pool in the *Public Health Act 2010*.

Waste Management

191. Adequate storage and collection must be provided for organic waste generated at the club house.
192. If waste collection is to be provided by Council's kerbside collection service from private property:
- The Owners Corporation or equivalent must sign an agreement that effectively indemnifies Council against any claim for damage caused to property, road, vehicles, vegetation or any infrastructure resulting from accessing and collecting of bins on the private road.
 - The road and access points must be constructed to safely accommodate a Council waste collection vehicle.
 - Council must be contacted at least three months prior to occupation if Council's waste collection service is used to ensure Council has in stock the required number of bins for the development.

State Environmental Planning Policy (Housing) 2021

193. Prior to the issue of the first Occupation Certificate for the development, a Section 88E instrument under the Conveyancing Act 1919 must establish the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify.

To ensure that in accordance with the provisions of *State Environmental Planning Policy (Housing) 2021* the approved development is only occupied by:

- a) Seniors people who are at least 60 years of age or people with a disability,
 - b) people who live in the same household with seniors or people who have a disability,
 - c) staff employed to assist in the administration of the development or the provision of services to the seniors housing.
194. The architect/building designer and a suitably qualified access consultant must provide certification that the development complies with the access and useability standards outlined in Schedule 4 of *State Environmental Planning Policy (Housing) 2021*. The certification of compliance is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate for the first dwelling house in each stage of the development.

Compliance with Bushfire Requirements

195. The Applicant must register a restriction to title for asset protection zones with a suitable legal mechanism such as a section 88B instrument for the life of the development in accordance with the Vegetation Management Plan and this consent. The following conditions must be adhered to for each lot:
- a) Driveways to each dwelling must be constructed to a minimum of 3.5m wide and in accordance with the requirements of Appendix 3 of *Planning for Bush Fire Protection 2019*.
 - b) Any Section 88B Instrument creating restriction as to user, right of carriageway or easements which benefit Council must contain a provision enabling restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
 - c) No bottled gas is to be installed to any building for the purposes for heating or cooking (but does not include a portable BBQ).
 - d) All fencing located within each lot is to be non-combustible and include no brush fencing.
 - e) All buildings must comply with sections 3 and 5 (BAL 12.5) of *Australian Standard AS3959- 2018 Construction of Buildings in Bushfire Prone Areas*; and
 - Section 7.5 of *Planning for Bush Fire Protection 2019*;
 - Sarking shall be non-combustible and vapour permeable;
 - Gutter guards and valley guards are to be installed to free flush leaves and debris from the roof and shall be non-combustible.

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.

Occupation Certificate

196. No building is to be occupied until an Occupation Certificate has been issued by the Principal Certifier.

State Environmental Planning Policy (Housing) 2021

197. At the commencement of occupation of the first stage of building construction and in perpetuity, the developer is to ensure that a private bus is provided for residents of the premises in accordance with Section 93 of the SEPP (Housing) 2021 to take residents to a place that has adequate access to facilities and services.

Operational Environmental Management Plan

198. The Operational Environmental Management Plan (OEMP) must be implemented in full commencing at completion of building works and landscaping for Stage 1 Building Works as identified in Poole Drawing "Master Plan" Issue Q dated 18-08-24, and extending continuously over time until the use approved by this consent, for any of the site, permanently ceases. The OEMP must also address the transitional phase of the site, when part of the site is in the operational phase whilst other parts of the site are still in construction phase. At the end of each year, the owner shall provide an audit of the operation of the OEMP and submit to Council.

Implement Vegetation Management Plan

199. The Vegetation Management Plan approved as part of this consent prepared by Cumberland Ecology dated 19 September 2024 must be implemented in its entirety for the life of the development.

Submit Vegetation Management Plan Implementation Reports

200. By the 30th June each year for the first 10 years of the implementation of the Vegetation Management Plan, progress reports must be submitted to Council's Ecologist for their review to ensure that adequate progress on Vegetation Management Plan implementation is occurring.

Annual Fire Safety Statement

201. For any Class 2 to 9 building, the owner of the building must provide Council with an Annual Fire Safety Statement at least once in each twelve months specified in the current Fire Safety Schedule and Fire Safety Certificate 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 current Fire Safety Schedule.
202. The Annual Fire Safety Statement must be in the approved form in accordance with the *Environmental Planning and Assessment Regulation 2021*.
203. A copy of the Annual Fire Safety Statement together with a copy of the current 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.

It is an offence to fail to provide an Annual Fire Safety Statement and to fail to prominently display the current Annual Fire Safety Statement and current Fire Safety Schedule within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Flooding

204. The proposed flood management measures for the development shall be implemented at all times, as per the requirements of the approved "Flood Emergency Response Plan". All appropriate operational staff must be trained in the requirements of the "Flood Emergency Response Plan" in accordance with the protocols specified in the Water Technology report titled, "Flood Emergency Response Plan – Lot 4 Burns Point Ferry Road, Ballina" dated 19 August 2024.

External Lighting

205. 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" with consideration given to the Best Practice Lighting Design (Appendix A) of the National Light Pollution Guidelines for Wildlife produced by the Commonwealth of Australia 2019.

Mosquito Management

206. In accordance with Ballina DCP 2012 Chapter 2 Part 3.6 'Mosquito Management', all windows, external doors and other openings of habitable buildings must be provided with effective insect screening. All openings of any rainwater tanks must also be fitted with screening of a durable material to prevent mosquito breeding and insect entry. The screening and structures must be maintained to continue to prevent entry of mosquitoes.
207. The required mosquito buffer must be retained and maintained in accordance with the approved Vegetation Management Plan prepared by Cumberland Ecology dated 19 September 2024 and landscaping and maintenance plan/s required and approved under Condition 90 to minimise mosquito breeding, harbourage and the movement of mosquitoes into the development in perpetuity.
208. The approved mosquito avoidance and awareness program must be implemented to minimise the health and nuisance risks associated with mosquitoes. The program must be reviewed and updated when required by a suitably qualified person to ensure its adequacy and the program includes current strategies to minimise mosquito risks.
209. All stormwater management infrastructure/devices including (but not limited to) collecting traps, bio filtration basins and swales must be maintained to ensure water does not remain beyond 48 hours after inflows have ceased.
210. The required screened indoor/outdoor area to enable residents to enjoy an outdoor lifestyle during periods of elevated mosquito activity on dwellings on Lots 1-7, 42-55, 61-64, 96-97 and 100-110 as shown on the Masterplan, drawing BP1073/03.01 Rev Q, prepared by Jared Poole Design, dated 16 August 2024 must remain and be maintained.

Odour Management

211. The approved odour avoidance and awareness program must be implemented to inform and educate purchasers and residents, of the periodic odour issues from nearby natural emission sources. The program must be reviewed annually and updated when required by a suitably qualified person to ensure its adequacy and it includes current odour avoidance strategies.
212. All dwellings must have sealable windows and doors and be provided with filtered mechanical air ventilation to minimize odour impacts.

Public Health - Food Premises and Hair Salon

213. The use and operation of the food premises within the clubhouse shall comply with the requirements of the Food Act and the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
214. The hair salon premises, appliances and equipment must be maintained in a clean state and in good repair at all times.

215. Should the managers residence be used as a temporary kitchen and/or hair salon: The use and operation of the premises shall comply with the requirements of the Food Act and the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 and/or; The hair salon premises, appliances and equipment must be maintained in a clean state and in good repair at all times.

Waste Management

216. All waste storage areas must be screened from public view including passing vehicles and pedestrian traffic external to the site, or inhabitants of neighbouring properties.
217. Vegetation must be maintained so as to not inhibit the collection of bins by Council vehicles.
218. Appropriate access for Council's waste collection vehicles will be required on collection day which will involve the exclusion of any parked cars on/adjacent to the private road (including out the front of garages etc).
219. Waste generated by the development must be managed in accordance with the *Site Waste Minimisation Management Plan* prepared by MRA Environmental dated December 2022 and *Council's Waste Management for Multi-Unit Development Policy*. Waste management practices must be based on minimising waste and maximising reuse and recycling of materials.

Service Vehicles

220. Vehicles servicing the development (including deliveries and waste collection) shall not park and or wait in the surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays and Sundays.

Amenity

221. The land use on site shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, odours, fumes, smoke, vapour, steam, dust, water, waste products and the like.
222. 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.
223. The air conditioners, heat pump water heaters and rainwater tank pumps must not:
- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day; or
 - b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
224. Acoustic barriers must be maintained in accordance with that outlined in the updated approved noise impact assessment as required by Condition 50 to ensure the required noise attenuation is maintained.
225. Use of the helipad is limited to emergency aeromedical evacuation, retrieval or rescue purposes only.
226. All dwellings on lots included in the updated and approved noise impact assessment must be provided with an alternative ventilation system in accordance with the National Construction Code, such as air conditioning or mechanical ventilation to allow doors and windows to be closed.
227. All openable façade glazing in the clubhouse must be installed and maintained with acoustic seals as outlined in the Acoustic Report, prepared by Acoustic Works, dated 15 December 2022.
228. Any external background music is limited to 7am-10pm. Amplified music in the clubhouse must be limited to a maximum of 90dBA when measured at 1m from the speakers as outlined in the Acoustic Report, prepared by Acoustic Works, dated 15 December 2022.
229. All mechanical plant must be designed, located, installed and maintained to comply with the project specific noise criteria included in the updated and approved noise impact assessment.
230. All operational requirements outlined in the approved noise impact assessment for use of the manager's residence as the temporary clubhouse must be implemented during use to minimise noise impacts on nearby sensitive receivers and comply with the relevant noise criteria included in the Acoustic Report updated and approved noise impact assessment as required by Condition 50.

Liquid Storage

231. If liquid contaminants and other possible pollutants are stored on site, they must be stored within an impermeable bunded and roofed on site storage area. Where applicable the bunded area must comply with AS 1940-2017 '*The Storage and Handling of Flammable and Combustible Liquids*' and AS 4452-1997 '*The Storage and Handling of Toxic Substances*'. If on site liquid storage is provided clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils and chemical spills.

232. All vehicles, boats and other items must be washed in the provided wash bay to prevent water pollution. (whichever is relevant)

233. All vehicles, boats and other items must be washed on a grassed/vegetated area when wastewater will not enter the stormwater and pollute waters.

Prevention of invasive plant diseases and weeds

234. Any plant or material utilised must be clean and free of pathogens prior to entering the subject lot as per the '*Arrive Clean, Leave Clean – Guidelines to help prevent the spread of invasive plant diseases and weeds threatening our native plants, animals and ecosystems*' produced by the Commonwealth of Australia 2015. Pathogens or other invasive species must be managed to not be introduced or transported into the site.

Vehicle movements and road-strike mitigation

235. Internal movements throughout the site must and vehicle movements to the site must take reasonable measures to minimise impact to native wildlife – in particular vehicle strikes and koalas. Internal policies and the site manager must include fauna management. This includes:

- Reporting all koala sightings, observations and incidences to Friends of the Koala
- Contact list including Friends of the Koala and WIRES available to all staff members.

Swimming pool

236. The swimming pool and surrounds must be operated and maintained in accordance with the Public Health Act 2010 and Public Health Regulation 2022 including recirculation, filtration and disinfection to ensure the pool water is maintained at a satisfactory level of purity for bathing at all times.