

# Ballina Shire Council



ENQUIRIES REFER  
**Rod Willis**  
 IN REPLY PLEASE QUOTE  
**DA: 1999/248**

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David Ardill & Associates Pty Ltd  
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## NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979)

**Development Application No:** 1999/248

**Applicant:** David Ardill & Associates Pty Ltd

**Subject Land:** Lot 2 DP 856703, off North Creek Road & Montwood Drive, Lennox Head.

**Development Proposal:** To subdivide the subject land to create 39 residential lots, 1 playground allotment and a playing field complex and to reshape land in the north-eastern sector of the site by civil earthmoving works to facilitate the subdivisional development of later stages of the estate incorporating the placement of the removed material on the lower central sector of the site - Stage 3 Pacific Pines Estate. (PIDCOCK)

**Building Classification under the Building Code of Australia:** Not applicable

**Determination:** The development application has been determined by Ballina Shire Council on 16<sup>th</sup> August, 1999 by way of the grant of consent subject to the conditions specified below:

### CONDITIONS

- 1) Development of the site shall be undertaken generally in accordance with the plans and associated documentation prepared by *David Ardill & Associates & Dated 24<sup>th</sup> September, 1998, 1<sup>st</sup> June, 1999 & 8<sup>th</sup> June, 1999* and submitted with the development application, subject to such amendment as required by any condition specified hereinafter.

**REASON:** To ensure the development is carried out in accordance with the terms and limitations of the development application and this consent.

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- 2) The applicant shall design all road subgrades and pavements, kerb and gutter, stormwater and subsurface drainage, water, sewer, telephone and electricity reticulation in accordance with Council's Subdivision Code (as amended and applicable at the time of preparation of the plans) and to the satisfaction of Council's Chief Engineer. In this regard, each sub-stage of this consent shall not be commenced until engineering drawings are submitted to, and approved by, Council's Chief Engineer for each individual stage. Such plans are to include details of an erosion and sediment control strategy for civil construction works on the site and for the implementation of a stormwater & drainage strategy for the development works. Such strategies are to accord with the provisions of the Environment Protection Authority and N.S.W. Department of Housing publication 'Managing Urban Stormwater - Soils & Construction' and/or Council's Stormwater Management Strategy whichever is current and applicable at the time of preparation of the plans.
- 3) The applicant shall construct all works in accordance with the details of the drawings approved under Condition 2.
- 4) The proposed playing field area is to be dedicated to Council ownership at no cost to Council prior to the release of the Subdivision Certificate for the development that is the subject of this application.
- 5) Playing fields are to be constructed in accordance with the agreed to staging plans as referred to in condition 7 hereunder, grassed and drained to a layout design that generally accords with the submitted plans and with additional detailed engineering design plans that are required to be submitted to, and approved by Council's Chief Engineer as required by Condition 3.
- 6) The playing fields designs are to incorporate the components illustrated in the plans submitted with the application to the dimensions recommended by the NSW Department of Sport and Recreation comprising two district sized cricket ovals each having a minimum radius of 60 metres, two overlapping senior winter sport playing fields and two overlapping junior fields and six netball courts. The playing field complex design and construction shall also provide adequately for the inclusion of car parking facilities, participant amenities, and ground management infrastructure.
- 7) No civil works are to commence on Stage 3(b) of the development until the applicant/developer has submitted to Council staging plans for the timing of construction and cost sharing of the approved playing fields and vehicular access thereto. Such plans are to be prepared in consultation with Council and are to be approved prior to work commencing on the playing field site. The staging agreement with Council shall be made on the basis that facilities shall be provided and/or land dedicated as a public reserve sufficient to meet the needs of 500 people each time the number of allotments created in the Estate have the capacity to house 500 people (give the estate's dwelling occupancy rates) or a multiple thereof. The cost sharing agreement should take into account an agreed valuation of the land on which the playing fields are to be constructed.
- 8) The applicant/developer shall be responsible for providing and/or meeting the cost of developing in accordance with the cost sharing basis as outlined in condition 7 above on a staged basis those active sporting facilities within the approved complex that are needed to meet the demand of the population yield of the Pacific Pines Estate to a standard of provision that accords with the guidelines of the N.S.W Department of Sport & Recreation as required by Council. These standards are: 1 cricket field, 1 tennis court, 1 netball court and 1 winter sports field per 1000 people.
- 9) This notice of development consent neither authorises any civil works, nor consents to any development, on the western side of the "water supply easement" marked on Drawing '1087DCP1' prepared by David Ardill and Associates and dated September, 1998.

- 10) The applicant shall relocate the children's parkland, designated P, to a site within the works that is not adjacent to the "limited access road", to a location approved by Council's Chief Town Planner. A suitably located site within the playing fields area would be satisfactory and the unused site may be developed as a residential allotment.
- 11) The approved playground site will be landscaped to the satisfaction of Council's Chief Engineer and shall be equipped with a Megatoy Play System P217-807 plus double swing Foreshore model or equivalent alternative set at no cost to Council.

**REASON:** To assist with the timely provisions of open space and recreation facilities commensurate with the demand likely to be generated by the development.

- 12) Prior to the release of any Subdivision Certificate, the applicant must apply to Council under s.26 of the Water Supply Authorities Act, 1987, and obtain from Council a Certificate under s.27 of the Act.

**Advice:** Following the making of an application under s.26 of the Water Supply Authorities Act, the Council may require:

- i) the payment of a monetary contribution towards the cost of construction of certain water and sewerage supply works and drainage channels which benefit or will benefit the land on which the proposed development is to be carried out; and/or
- ii) the applicant to enter into an agreement which requires the construction of such works.

In respect of (i) above, the monetary contributions required to be paid for this development currently stand at:

- a) \$51,987.00 for the augmentation of water supply mains and storage within Ballina Shire, being \$1,333.00 per allotment;
- b) \$49,023.00 for the amplification of water supply mains and storage within Rous County District, being \$1,257.00 per allotment); and
- c) \$161,187.00 for the augmentation of sewerage works being \$4,133.00 per allotment.

These rates are reviewed periodically by Council and the contributions will be required to be paid at the rate applicable at the time of release of Subdivision Certificate.

**REASON:** To assist with the timely provision of a reticulated water supply and sewerage system commensurate with the demand likely to be generated by the development.

- 13) A non-refundable monetary contribution shall be paid to Council for the provision of community facilities. The contribution shall be at a rate adopted by resolution of Council and applicable (and payable) at the date of issue of Subdivision Certificate. This contribution currently stands at \$35,061.00 being \$899.00 per allotment within the development, but is reviewed periodically by Council.

**REASON:** To assist with the timely provision of community facilities commensurate with the demand likely to be generated by the development.

- 14) Prior to the release of any Final Plan of Subdivision, the subdivisional is to be landscaped to the satisfaction of Council's Town Planner, including the resewing of the site to produce grass cover and the undertaking of appropriate plantings generally in accordance with Council's Development Control Plan No. 1 - Urban Land.
- 15) With the proposed opening of any new road, the applicant shall design and construct all road subgrades and pavements, kerb and gutter, stormwater and subsurface drainage, water, sewer, telephone and electricity reticulation in accordance with Council's current subdivision Code 1991 (Amended) and to the satisfaction of Council's Engineer. In this regard, engineering drawings must be submitted to and approved by Council's Engineer prior to construction.
- 16) With the proposed opening of any new road, the applicant shall pay an inspection fee calculated on the basis of 3% of the estimated value of construction of the sewerage, road and drainage works.
- 17) Upon completion of work associated with the subdivision, the applicant shall submit to Council a copy of a 'Works-as-Executed' drawing and a computer disk copy of the WAE information compatible with Council's Civil CAD system. Separate drawings shall be provided for sewer and stormwater drainage. Such drawings are to be at a scale of 1:500 on transparent material. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.
- 18) All new road and street names shall be submitted to Council's Engineer for approval prior to submission of the final plan of subdivision.
- 19) All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.
- 20) Suitable provision shall be made within the new development for the picking up and setting down of bus passengers including the provision of a shelter, to the requirements and satisfaction of Council's Engineer.
- 21) A minimum maintenance period of twelve months will apply from the date of acceptance by Council of the plan of subdivision. A maintenance bond will be lodged with Council for this period of twelve months. The value of the bond will be equivalent to 5% of the total cost of the civil works.
- 22) All topsoil within the road formation is to be stripped and stockpiled and used for retopsoiling all disturbed areas including road cut/fill batters.
- 23) In connection with the work-as-Executed Plan the proponent shall submit a listing of all road, stormwater and sewer assets generated by the development. The format of the list shall be to the satisfaction of Council's Engineer.
- 24) Where permanent survey marks have been placed or existing survey marks have been connected, under the requirements of the Survey Practice Regulation 1990 (Clause 33) any Australian Height Datum values relating to those marks are to be provided to Council and shown on the Works-as-Executed drawings.
- 25) The road and drainage works required to be completed as conditioned in this consent shall be designed by a suitably qualified civil engineer. The engineering design shall be submitted to and approved by Council prior to works commencing.

- 26) Prior to the issue of a Subdivision Certificate the applicant shall submit written evidence to Council which demonstrates that arrangements satisfactory to Telecom Australia and North Power have been made for the provision of telephone and electricity services to and within the development.
- 27) The applicant/proponent is to be responsible for the provision of underground telephone and electricity services to and within the development.
- 28) The connection of Council's reticulated water and sewerage systems to the new development shall be undertaken at the applicant's expense in accordance with Council's current subdivision code.
- 29) The water main shall be extended into the proposed new lot(s) at the applicant's expense. The water main extension shall be approved in type and location by Council's Engineer prior to construction. All necessary easements required shall be created by the applicant at the applicant's expense.
- 30) The sewer main shall be extended into the proposed new lot(s) at the applicant's expense. The sewer main extension design drawings shall be submitted to and approved by Council's Engineer prior to construction. All necessary easements required shall be created by the applicant at the applicant's expense. Upon completion of the sewer extension and prior to issue of the final plan of subdivision, a "works-as-executed" drawing shall be submitted to Council, drawn to a scale of 1:500.
- 31) Easements shall be created and recorded on the Subdivision Certificate prohibiting the erection of buildings over or adjacent to sewer and stormwater pipelines to the requirements and satisfaction of the Chief Engineer. The prohibition on the erection of buildings shall extend horizontally on each side of a pipeline for a distance equal to the depth of the pipeline from invert level to finished surface level. The minimum width of such an easement shall be 2.5 metres.
- 32) The applicant is to meet the full cost associated with the creation of drainage easements over the site of any existing, relocated or new stormwater pipelines within the site.
- 33) Effective erosion and sediment control measures are to be adopted before and during construction, to the satisfaction of Council's Engineer and Health and Building Surveyor.
- 34) Interallotment drainage shall be provided within easement to the extent necessary to provide drainage of all proposed lots to the road and drainage system.
- 35) During and after construction, measures shall be undertaken to minimise erosion of soil due to wind. Disturbed areas shall be revegetated with grass seed to promote early grass cover. To prevent wind erosion whilst the grass cover is establishing, all disturbed areas may be covered with straw mulch or equivalent. All disturbed areas shall be revegetated as they are completed.
- 36) The whole of the development site shall be filled with a suitable foundation material to a minimum level of RL 1.8 metres AHD.
- 37) Kerb and guttering, footpath utility services or roadworks damaged as a result of construction works related to the development shall be re-instated to a satisfactory condition.  
REASON: To protect public infrastructure in the vicinity of the development.

## **SITE FILLING**

- 38) All fill of land for residential allotments, including residential or commercial allotments for future stages of the estate, shall be controlled fill, in accordance AS 2870 - 1996, Residential Slabs and Footings - Construction.
- 39) All earthworks shall be in compliance with the requirements of AS 3798 - 1996, Guidelines on earthworks for commercial and residential developments.
- 40) Geotechnical Certification of the fill of Stage 3 residential allotments shall be forwarded to Council within 2 weeks of the fill operations being complete. Certification shall be in accordance with Council's Geotechnical Policy.
- 41) A contour plan depicting the existing levels of those sites to be filled and "Works-as-executed" drawings depicting the completed filled levels for those particular sites, is to be submitted to Council prior to the release of the final plan of subdivision.
- 42) All allotments created and filled shall be certified in accordance with Council's Geotechnical Policy.

## **ROADWORKS**

- 43) All roadworks testing shall be, as a minimum, in accordance with Table 8.1, of AS 3798 - 1996, Guidelines on earthworks for commercial and residential developments.
- 44) All traffic control during construction shall be in accordance with the Roads and Traffic Authority - Traffic Control at Work Sites.
- 45) Council's engineer shall inspect the construction of all road works, sewer works and drainage works, and works shall not proceed until approval has been granted by Council's Engineer.

## **GENERAL**

- 46) All design and construction works shall be in accordance with Council approved plans and the provisions of Council's Subdivision Code (as amended at the time construction works are being undertaken).
- 47) The applicant shall reconfigure the eastern block sizes along the "limited access road" to allow the future continuance of the cycleway southwards to adjoining lands.

## **STORMWATER AND FLOODING**

- 48) Prior to the release of the final plan of subdivision, the applicant shall submit to Council a work as executed drawing, clearly defining the areas inundated in the subdivision, during a 1 in 100 year ARI design flood. This plan of the 1 in 100 ARI flood envelope shall be certified as true and correct by a qualified civil engineer who is a Chartered Member of the Institute of Engineers, Australia.
- 49) All allotments, as a minimum, shall be filled to a finished level of the 1 in 100 year ARI design flood.
- 50) Stormwater management systems are to be constructed to the requirements of the Environment Protection Authority or Council's Stormwater Management Plan whichever is applicable at the time of undertaking the civil works.

The consent shall lapse on 16<sup>th</sup> August, 2004, unless the development has commenced in accordance with the provisions of section 95 of the Act.

**Other Approvals:**


The following is a list of the approvals under the Local Government Act 1993 which have been granted under Section 78A(5):

None applicable.

The following is a list of the general terms of other approvals which are integrated as part of the consent:

None applicable

**Signed:**



on 16<sup>th</sup> August, 1999.

RA Willis

**CHIEF TOWN PLANNER**

on behalf of Ballina Shire Council

(For details concerning appeal rights relating to Council's determination, please see below.)

**Right of Appeal:**

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

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