



Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

**NOTICE TO APPLICANT OF DETERMINATION OF AN  
ENVIRONMENTAL ASSESSMENT FOR A PART V "ACTIVITY"**  
(Issued pursuant to Section 111 of the Environmental Planning and Assessment Act 1979)

**Part V Register No:** 22.2016/16

**Project File Reference:** PF 2016/0004

**Applicant:** Ballina Shire Council

**Subject Land:** Existing Road Reserve and Lot 12 DP 1181479, Intersection of The Coast Road and Skennars Head Road, Skennars Head


**Activity Proposal:** Construction of Roundabout and associated works at the Skennars Head and Coast Road Intersection

**Determination:** The proposed activity has been determined by Ballina Shire Council on 25 January 2017 by way of **the grant of approval subject to the following ameliorative/mitigation measures being implemented to reduce any likely environmental impact:**

**GENERAL**

**1. Approved Plans & Supporting Documentation**

Works being carried out generally in accordance with the plans and associated documentation lodged by the applicant, including the following documents, except as modified by any ameliorative measures required to be implemented by this approval. Where there is any inconsistency with the REF and the specific requirements listed within this approval, the specific requirements listed within this approval shall prevail.

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Document	Reference	Dated
Review of Environmental Factors	REF 2016/004, Construction of Roundabout – Skennars Head Road and The Coast Road	20/09/2016
Blackwood Ecological Services	Ecological Assessment	September 2016
BSC Roundabout Layout Plan	MR 545/0040 - Sheets 1-8	12/09/2016
Gerard Lighting Road Lighting Proposed Roundabout	Document 0143717	17/11/2016

## 2. Works as executed (drawings)

The applicant shall submit to Council an electronic copy of the WAE information 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.

## PRIOR TO CONSTRUCTION WORK COMMENCING

*The following ameliorative/mitigation measures in this section of the approval must be complied with or addressed prior to commencement of construction works relating to the approved activity or work.*

## 3. Project Manager

Prior to the commencement of work, a Project Manager is to be appointed, whose name and contact details are to be provided to the Development and Environmental Health Group. The Project Manager is to be responsible for ensuring the development is carried out in accordance with all requirements of approval outlined within this notice. Prior to the work commencing, the Project Manager is to inform the Development and Environmental Health Group in writing of the date of commencement of works on site.

## 4. Services

All services must be located prior to the commencement of construction.

## 5. Safety Fencing

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

## 6. No Go Fencing

To delineate the Limit of Works (LoW) the applicant is to erect visible No Go fencing or the like. All No Go fencing is to be established a minimum of 1 metre outside of the drip zone of the vegetation growing to the adjacent to the worksite. 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.

## 7. Civil works

Prior to construction commencing, engineering design drawings shall be submitted to and approved by Council for civil/subdivision works required by this consent. These drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and

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Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Roads & Maritime Services where specified.

**(a) Roundabouts**

The roundabout shall be designed in accordance with the Austroads Guide to Road Design, Part 4 B, Roundabouts. Details are to be submitted to and approved by Council prior to construction commencing.

**(b) Shared footpath/cycleway**

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

**8. Safety in Design Report**

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

**9. Flooding and Stormwater**

Stormwater controls shall be provided on site in accordance with the Water Sensitive Design requirements of Council's Combined Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management. A Stormwater Management Plan and detailed design, prepared by a suitably qualified hydraulics consultant and/or Engineer, must be submitted to and approved prior to construction commencing.

**10. Street lighting**

The applicant shall be responsible for the design and installation of public street lighting. All street lighting within the development must be designed in accordance with AS/NZS 1158. Engineering design plans and specifications must be submitted to and approved by Council.

**DURING CONSTRUCTION**

*The following ameliorative/mitigation measures in this section of the approval must be complied with or addressed during the course of carrying out the construction works relating to the approved activity or work.*

**11. Construction**


The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

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

**12. Construction Management Plan**

The Construction Management Plan (CMP) must be implemented in full during the construction period.

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**13. Export of Waste**

The export of waste (including fill or soil) from the site must be in accordance with:

- a) the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
- b) current Resource Recovery Orders and Exemptions.

**14. Sediment and Erosion Control**

A Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 shall be implemented in full during the construction period.

Sediment and erosion control measures shall be installed and effectively maintained to control stormwater runoff. All disturbed areas shall be immediately stabilised and revegetated on completion of earthworks.

**15. Dust Control Measures**

If necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties.

**16. Noise Control**

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).

**17. Fill Requirements**


The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principle Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise. Note: there are also resource recovery orders and exemptions available and certain exemptions for the use of Virgin Excavated Natural Materials (VENM).

**18. No Burn**

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

**19. Civil Works**

All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified. Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.

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**20. Traffic Control**

All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).

**21. Revegetation of Disturbed Areas**

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

**22. Protection of Existing Vegetation**

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

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

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

**23. Fill Requirements**

To protect adjacent significant habitats any soil imported to the worksite that is not encased under pavement should be certified as being weed free and is to have ongoing weed eradication works undertaken during and post construction.


**24. Rehabilitation Works**

The applicant is to submit an Operational Weed Eradication and Revegetation Strategy (OWERS) for the project. The OWERS is to provide details on the methods and frequency of weed control measures during the construction phase of the project. The OWERS is to be submitted and approved by Council within two weeks of work commencing at the site.

**25. Environmental Restoration Plan (ERP)**

Within one month of commencing work at the site, the applicant is to submit an Environmental a Restoration Plan (ERP) to Council for approval. The ERP is to include all required restoration/stabilisation works to be conducted adjacent to the road formation and any proposed offset site/s. This plan is to include and/or address the following matters:

- (a) Ensure full compliance to the offset and amelioration measures detailed in Section 6 of the Draft Ecological Report prepared by Blackwood Ecological Services and dated September 2016.
- (b) A list of all weed species and methods to be used to control them.
- (c) Details of the measures to be implemented to monitor the success of the rehabilitation plan including the provision of monitoring reports to be provided to Council's Environmental scientist.
- (d) Commitment that all planting stock will be sourced from plants growing in the immediate locality.
- (e) Confirmation that the revegetation program will be undertaken for a minimum period of five years with funding allocated for the implementation of the program.
- (f) A range of performance goals that are measurable and include commitment that unless the goals are achieved the rehabilitation program will be extended until they are achieved. In this regard Council will require all forested areas to achieve an 80% closed native vegetation coverage within a five year time period. All vegetation stratas are to be free of all environmental and noxious weeds.
- (g) A timetable for the implementation of all revegetation, rehabilitation and weed control works.

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- (h) Identify contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
- (i) Management actions to eradicate other invasive species from the rehabilitation areas.
- (j) Measures to be implemented to ensure that all areas of native vegetation is managed and protected in perpetuity.
- (k) If restoration works are proposed within Council's Coastal Reserve system the offsetting strategy is to be developed in consultation with Council's Open Spaces and Resource Recovery section. Land that is already subjected to existing works, grants and or previous rehabilitation programs cannot be used for offsetting.
- (l) Confirmation all restoration work shall be undertaken by or overseen by a suitably qualified bush regenerator with a minimum of two years experience regenerating littoral rainforest communities.

If the required offset site is located on Council owned land where an existing plan of management is active an abbreviated ERP may be submitted to Council for approval. The format of any abbreviated ERP will require the prior approval of Council's Environmental Scientist.

## 26. Street Light Offsetting

Additional offsetting is required for all areas of native vegetation and/or SEPP 14 habitat affected by increased street light spillage as identified in plan titled *"Road Lighting Categories – The Coast Road 'V3' - Skennars Head road – 'V3' dated 17/11/2016.*

The required offset ratios are to be included into the ERP. Areas of native vegetation that are already affected by light spillage from existing lighting do not require offsetting. Existing impact levels are to be determined using same methodology as present in the abovementioned street lighting plan.

If during the design phase of the project it is identified these impacts can be mitigated and or reduced, the identified offset ratios can be reduced or used as a credit for future offsetting requirements required by the applicant.

## 27. Implementation of the Approved ERP

The actions of the approved ERP are to be implemented within one month of its approval by Council.

Signed:



Anthony Peters  
**Development Assessment Officer**

25 January 2017

Signed:



Rod Willis  
**Group Manager**  
**Development and Environmental Health**

25 January 2017



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