

enquiries refer

Peter Drew

in reply please quote

Pt V Register No: 22.2017/12



Civil Services Group
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 5.5 of the Environmental Planning and Assessment Act 1979

Part V Register No: 22.2017/12

Applicant: Ballina Shire Council – Civil Services Group

Subject Land: Lot: 7002 DP: 1052251, Lot: 3 DP: 1115145, Lot: 2 DP: 1115145,
Lot: 1 DP: 1115145, Lot: 7016 DP: 1113629, PLT: 62 DP: 755725,
Lot: 62 DP: 755725,
Ross Street LENNOX HEAD, Pacific Parade LENNOX HEAD, 77
Pacific Parade LENNOX HEAD, 6 Ross Street LENNOX HEAD

Activity Proposal: Lake Ainsworth Foreshore Improvement Works Including:

- a. Rehabilitating the Eastern Road by Profiling the Existing Pavement and Constructing a Footpath
- b. Reconstruction of the Existing Intersection between Pacific Parade, The Eastern Road and the Southern Road Adjacent to the Lennox Head/Alstonville Surf Life Saving Club building with a New Two-Way Intersection Incorporating the Termination Point of the Eastern Road (open to emergency and maintenance vehicles only)
- c. Reconstruction and Minor Realignment of the Southern Road and Formalising the Adjoining Car Parking Between Pacific Parade and Camp Drew Road
- d. Environmental Management Works, Bank Stabilisation, Landscaping and Open Space and Passive Recreation Embellishments

Determination: The proposed activity has been determined by Ballina Shire Council on **1 September 2018** by way of **the grant of approval subject to the following ameliorative/mitigation measures being implemented to reduce any likely environmental impact:**

GENERAL MEASURES

1. Approved Plans & Supporting Documentation

Works being carried out generally in accordance with the plans and associated documentation lodged by the proponent, 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 Review of Environmental Factors and the specific requirements listed within this approval, the specific requirements listed within this approval shall prevail.

Document	Dated
Review of Environmental Factors (as amended) – Prepared by DAC Planning Pty Ltd	November 2017
Response to Submissions & Ballina Shire Council's Request for Additional Information – Prepared by DAC Planning Pty Ltd	June 2018
Drawing No. LHR30.061/OP OVERALL PLAN Sheet 1 of 1 (Issue B)	3/11/2017
Drawing No. LHR30.061/WP SOUTHERN FORESHORE GENERAL WORKS PLAN (CH0 TO CH105) Sheet 1 of 8 (Issue B)	3/11/2017
Drawing No. LHR30.061/OP SOUTHERN FORESHORE GENERAL WORKS PLAN (CH105 TO CH255) Sheet 2 of 8 (Issue B)	3/11/2017
Drawing No. LHR30.061/OP SOUTHERN FORESHORE GENERAL WORKS PLAN (CH255 TO CH380) Sheet 3 of 8 (Issue B)	3/11/2017
Drawing No. LHR30.061/OP INTERSECTION GENERAL WORKS PLAN Sheet 4 of 8 (Issue B)	3/11/2017
Drawing No. LHR30.061/OP EASTERN FORESHORE GENERAL WORKS PLAN AND LONGITUDINAL SECTION (CH0 TO CH120) Sheet 5 of 8 (Issue C)	4/6/2018
Drawing No. LHR30.061/OP EASTERN FORESHORE GENERAL WORKS PLAN AND LONGITUDINAL SECTION (CH120 TO CH240) Sheet 6 of 8 (Issue C)	4/6/2018

Document	Dated
Drawing No. LHR30.061/OP EASTERN FORESHORE GENERAL WORKS PLAN AND LONGITUDINAL SECTION (CH240 TO CH360) Sheet 7 of 8 (Issue C)	4/6/2018
Drawing No. LHR30.061/OP EASTERN FORESHORE GENERAL WORKS PLAN AND LONGITUDINAL SECTION (CH360 TO CH440) Sheet 8 of 8 (Issue C)	4/6/2018
Drawing No. LHR30.061/LS SOUTHERN ROAD ALIGNMENT PLAN AND LONGITUDINAL SECTION (CH0 TO CH300) Sheet 1 of 2 (Issue B)	3/11/2017
Drawing No. LHR30.061/LS SOUTHERN ROAD ALIGNMENT PLAN AND LONGITUDINAL SECTION (CH0 TO CH300) Sheet 2 of 2 (Issue B)	3/11/2017
Drawing No. LHR30.061/DT LOG REVETMENT AND BEACH ACCESS RAMP TYPICAL DETAIL Sheet 1 of 1 (Issue B)	3/11/2017

2. Construction works on Pacific Parade, including the closing of part Pacific Parade to vehicle traffic, shall not be commence until:
 - a. either
 - the Lake Ainsworth Sport and Recreation Centre has undertaken upgrade works to the internal access road and Camp Drewe Road intersection in accordance with any requirements of the NSW Rural Fire Service, or
 - Council has negotiated an alternative arrangement with the NSW Rural Fire Service in relation to the Agency's requirements for vehicular access to and within the Lake Ainsworth Sport and Recreation Centre, and
 - b. Certification has been provided that the portion of Camp Drewe Road south of the western entrance to the Lake Ainsworth Sport and Recreation Centre meets the minimum public road requirements of section 4.1.3 (1) Public Roads of Planning for Bush Fire Protection 2006 (Note: any upgrade works, if required, do not form part of this approval).
3. An assessment for the necessity to pull sand from the Lake to maintain the stabilisation of the eroded banks must be carried out by a suitably qualified and experienced person prior to this works being carried out. If sand has retreated back into the Lake to a degree that requires the pulling of it back up to the toe of the log revetment, a plan of management to minimise the environmental impacts on the Lake (including erosion and sediment control) must be prepared by a suitably qualified and experienced person prior to these works being carried out.
4. Prior to the closure of the eastern road the proponent is to install the access ramp and rehabilitate the lake foreshore area as depicted in the plan titled "Lake Ainsworth Foreshore Works Stage 1 - Eastern Foreshore Plan and Long Section (CH0 to CH120)". Protective fencing and signage explaining the purpose of the fencing is to be established around the

rehabilitated foreshore. The fencing is to remain in place until the area is fully stabilised and revegetated.

5. The proponent is to establish a monitoring program of the bank stabilisation works depicted in Drawing LHR 30.061/WP (Issue C), dated 4/6/2018. Details of the monitoring program and proposed remediation are to be incorporated into a Foreshore Erosion and Rehabilitation Monitoring Program (FERMP). Details of the FERMP are to be submitted to Council's Open Spaces and Resource Recovery section for approval prior to works commencing at the site. If the monitoring program confirms an unacceptable rate of erosion is occurring the proponent will be required to undertake remediation actions. Proposed erosion benchmarks and remediation measures are to be included into the FERMP. The FERMP is also to include;
- Measures to protect and enhance all areas of riparian and terrestrial revegetation species habitat, in perpetuity.
 - A list of all weed species and methods to be used to control them.
 - Details of measures to be implemented to monitor the success of the planting works including the provision of monitoring reports to be provided.
 - Commitment that all planting stock will be sourced from plants growing in the immediate locality.
 - Confirmation that the revegetation program will be undertaken for a minimum period of five years and the proponent will fund all aspects of the program.
 - 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, all forested areas are to achieve 80% closed native vegetation coverage within a five year time period. All vegetation stratas are to be free of all environmental and noxious weeds.
 - A timetable for the implementation of all revegetation, rehabilitation and weed control works.
 - Identification of contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
 - Identification of appropriate measures for protection against foot and vehicular traffic to ensure long-term protection of all significant vegetation communities and/or rehabilitation areas (eg exclusion fencing, provision of walking tracks etc).
 - Management actions to eradicate other invasive species from the rehabilitation areas.

The FERMP is to be prepared by suitably qualified Council staff or a qualified bush regenerator.

All restoration work shall be undertaken by, or overseen by, a suitably qualified person.

6. The proponent is to activate the actions of the approved FERMP concurrently with any foreshore works (bank stabilisation and rehabilitation works) commencing at the site.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the approval must be complied with or addressed prior to commencement of construction works relating to the activity.

7. A Construction and Environmental Management Plan (CEMP) shall be prepared prior to commencement of any works. The CEMP is to incorporate standard mitigation measures applicable to the works being undertaken, all measures contained in this approval and all measures outlined in the Review of Environmental Factors (and associated reports).

8. Due to the potential risk of construction works uncovering unexploded ordinances, a safe work procedure must be developed incorporating applicable actions identified by the Australian Department of Defence prior to the commencement of construction work. All staff involved in works must also be inducted in the safe work procedure prior to the commencement of works. Further information can be found at <http://www.defence.gov.au/uxo>.
9. An Acid Sulfate Soil Management Plan prepared in accordance with the NSW Acid Sulfate Soil Management Advisory Committee Acid Sulfate Soil Manual by a suitably qualified and experienced person must be developed prior to the commencement of works to manage any acid sulfate soils that may be encountered.

DURING CONSTRUCTION & MAINTENANCE

The following conditions in this section of the approval must be complied with or addressed during the course of carrying out the construction works and during maintenance relating to the approved activity.

10. The activity is to be undertaken in accordance with the terms of this approval and the Construction and Environmental Management Plan.
11. All excavation works must be carried out in accordance with the Acid Sulfate Soil Management Plan.
12. The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the site 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.
13. Any new information which comes to light during the approved works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council.
14. Clean up equipment including suitable absorbent material must be available on site to effectively deal with liquid contaminants such as oil and fuel spills.
15. If dewatering is required a management plan for all dewatering activities on site must be prepared by a suitably qualified and experienced person prior to the release of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed.
16. All construction or the like waste, including fill material is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption.
17. The generation of dust during construction works must be minimised to prevent construction activities from causing air quality impacts that are hazardous or a nuisance to sensitive receivers. When necessary dust control measures such as wetting down (water sprays, sprinklers and water carts), covering stockpiles, physical barriers and halting works on site in extreme wind events shall be used to control and prevent a dust nuisance to

surrounding properties. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.

18. To prevent the pollution of waterways adequate sediment and erosion control measures must be in place prior to the commencement of works. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:
 - The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land.
 - Service trenches being backfilled as soon as practical.
 - Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses.
 - Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.
19. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
20. Disturbed exposed areas must be stabilised via seeding, hydro-mulched or other adequate stabilisation method immediately after completion of each work stage to protect the exposed area from water and wind erosion.
21. All waste arising from the construction activities must be removed and/or transported in accordance with the requirements of NSW EPA and the Safework NSW pursuant to the provisions of the following:
 - (a) Protection of the Environment Operations Act 1997;
 - (b) Protection of the Environment Operations (Waste) Regulation 2014;
 - (c) Waste Avoidance and Resource Recovery Act 2001;
 - (d) Health & Safety Act 2011; and
 - (e) Work Health & Safety Regulation 2017.
22. The transport of soil or similar material to and from the site must be covered to prevent the generation of dust and material leaving the vehicles.
23. 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.
24. Any soil, mud or other material deposited on public roads associated with construction activities must be removed and disposed of appropriately to prevent stormwater pollution.
25. 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.
26. Any vegetation to be removed is to be clearly marked with flagging tape, prior to the commencement of work at the site.

27. All vegetation and/or trees to be retained immediately adjoining construction works areas are to be protected with temporary fencing or the like. No vegetation clearing, earthworks and/or storage of any vegetative matter, goods and/or equipment shall be undertaken within the barrier fenced areas.
28. Any vegetation removal is to be undertaken in a manner that ensures the ongoing integrity of retained vegetation and/or adjacent native plants. Any vegetation matter is to be removed from the site and disposed of in an appropriate manner.
29. The emergency access arrangements proposed for Pacific Parade shall meet the minimum requirements of section 4.1.3 (3) Fire Trails of Planning for Bush Fire Protection 2006. The emergency access works shall commence from the proposed intersection treatment.

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 activity.

30. Adequate waste receptacles must be provided to minimise littering, water pollution and impacts on the surrounding environment. Monitoring of the development area shall occur to determine the adequacy of provided waste receptacles and the need for additional bins.

ADVISORY MATTERS

A permit for the approved works may be required from the NSW Department of Primary Industries (Fisheries) under the Fisheries Management Act 1994. If required, this permit should be obtained prior to commencement of such works.

Signed:

Peter Drew
Town Planner

5 September 2018

Signed:

Matthew Wood
Group Manager
Development and Environmental Health

5 September 2018