



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: 22.2016/14

Project File Reference: PF 022.2016.00000014.001

Applicant: Ballina Shire Council

Subject Land: Lot 7002 DP 1052251, Lot 62 DP 755725, Lot 2 DP 1115145, Lot 3 DP 1115145,
Ross Street LENNOX HEAD, No. 6 Ross Street
LENNOX HEAD, Pacific Parade LENNOX HEAD

Activity Proposal: Rehabilitation Works along the Eastern Section of Lake Ainsworth Comprising Tree Removal, Closure and Removal of Existing Vehicle Access and Parking Areas, Construction of Footpath (3m Wide), Weed Management, Revegetation and Foreshore Restoration Works.

Determination: The proposed activity has been determined by Ballina Shire Council on 27 October 2016 by way of **the grant of approval subject to the following ameliorative/mitigation measures being implemented to reduce any likely environmental impact:**

 (initial)
Assessment Officer

GENERAL**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 REF and the specific requirements listed within this approval, the specific requirements listed within this approval shall prevail.

Document	Reference	Dated
Review of Environmental Factors (Revised) – Prepared/submitted by Peter Brown	TRIM Record No 16/79824	22.09.2016
DRAWING No: LHR30.058 – Prepared/submitted by Ballina Shire Council - TRIM Reference: 16/89055	Sheet 1 of 4 (Issue A)	21/9/2016
	Sheet 1 of 4 (Issue A)	21/9/2016
	Sheet 1 of 4 (Issue A)	21/9/2016
	Sheet 1 of 4 (Issue A)	21/9/2016

2. 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.
3. 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.
4. The proponent is to establish a monitoring program of the bank stabilisation works depicted Drawings LHR 30.058 (Issue A), dated Sept 2016. 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 to Council's Environmental Scientist.
 - 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.

 (initial)
 Assessment Officer

- 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.
- Identify contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
- The FERMP will be prepared by suitably qualified Council staff or a qualified bush regenerator.
- Identify 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.
- Measures to be implemented to ensure that all areas of native vegetation are managed and protected in perpetuity.

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

5. To ensure the closure of the eastern road does not result in the increased erosion of the southern portion (Stage 2) of the lake, the proponent is to implement an erosion monitoring program for this section of the lake. Details of the monitoring program including, monitoring frequency, proposed erosion benchmarks and remediation measures are to be included into the FERMP.
6. The proponent is to activate the actions of the approved FERMP prior to any works commencing at the site.
7. To prevent the pollution of waterways, the proponent is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works.

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.

8. All construction works must be managed in accordance with the *Construction Management Plan* included as *Appendix E* of the submitted *Review of Environmental Factors*, dated 22 September 2016. This includes the management of dust, noise, waste, and erosion and sediment control.
9. Acid Sulphate Soils (ASS) may be encountered while excavating therefore monitoring of this excavated material shall occur. Should ASS materials be disturbed, they should be tested, stored separately to non-ASS material and adequately banded. The material must be treated with lime at the required rate. After treatment has occurred the material shall again be tested to ensure the potential acid generation has been adequately neutralised.
10. To prevent the pollution of waterways, the proponent is to ensure adequate sediment and erosion control measures maintained, regularly inspected, and repaired during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

 (initial)
Assessment Officer

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land;
 - 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.
11. A single all weather access way is to be provided on site. All construction vehicles are to enter and exit the site via this access way so as to minimise erosion on site and prevent the movement of soil onto surrounding roadways. When necessary roadways shall be swept and all drains and gutters cleaned of soil material.
12. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
13. When 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.
14. Waste arising from construction activities must be removed and/or transported in accordance with the requirements of the NSW EPA and 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) Work Health & Safety Act 2011
 - (e) Work Health & Safety Regulation 2011
15. Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminates such as oils and fuel spills.
16. To ensure fill/soil or other material is suitable and will not contaminate the site, only fill/soil material that may be received at the subject property is:
- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act);
 - b) Any other waste-derived material the subject of a resource recovery exemption under Clause 91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material, excluding waste tyre.
17. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to Council's Environmental Health Section, on request.
18. The exportation of waste, including fill or soil from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act (POEO) 1997* and the Environment Protection Authority "*Waste Classification Guidelines*" and shall comply with the terms of any approval issued by Council.

 (initial)
Assessment Officer

19. Any vegetation to be removed is to be clearly marked with flagging tape, prior to the commencement of work at the site.
20. All vegetation and/or trees to be retained immediately adjoining construction works areas are to be protected with temporary fencing in accordance with the approved RRWCP. 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. No vegetation clearing, earthworks and/or storage of any vegetative matter, goods and/or equipment shall be undertaken within the barrier fenced areas.
21. 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.

ADVISORY MATTERS

1. The eastern area of the lake has being designed and promoted as a recreational area which includes the provision of picnic areas. The proposal has minimal provision for waste receptacles which may increase the likelihood of littering occurring in the area. This issue should be monitored by Council's Open Spaces and Resource Recovery Section and, if required, additional receptacles should be installed in suitable locations.
2. 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 works.

Signed:



Peter Drew
Senior Planner


Date: 3/11/2016

Signed:



Rod Willis
Group Manager
Development and Environmental Health

Date:



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Assessment Officer