

# MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT BALLINA SHIRE COUNCIL ON MONDAY 6 DECEMBER, 2010 AT 12:00 PM

**PRESENT:** Garry West                      Chair  
                 Pamela Westing              Panel Member  
                 Bruce Clarke                   Panel Member  
                 Cr Phillip Silver                Panel Member

## **IN ATTENDANCE**

Hugh Johnson              Town Planner, Ballina Shire Council  
Paul Wilson                Development Engineer, Ballina Shire Council

**APOLOGY:** John Truman – Panel Member

The meeting commenced at 12.00 pm. The Chair welcomed everyone to the meeting of the Panel.

## **1. Declarations of Interest**

Cr Phillip Silver declared an interest (Nature of Interest: non-significant, non pecuniary - he is a patron of the RSL Sub Branch). Chair ruled the declaration non-pecuniary and should not preclude member's participation in the meeting.

## **2. Business Items**

**ITEM 1**              2009NTH004 – Ballina– DA 2010/143 - Alterations and Additions to Residential Aged Care Facility, Hackett Ln, Fox St & Owen St, Ballina

## **3. Public Submissions**

Del Ezzy - Local Resident from Fox Street, Ballina	Addressed the Panel <b>against</b> the item
Matthew Ashby - General Manager of Northern Region of RSL Lifecare	Addressed the Panel <b>in favour</b> of the item
Mark Owens - Project Manager for TSA Management	Addressed the Panel <b>in favour</b> of the item

## **4. Business Item Recommendation**

2009NTH004 – Ballina– DA 2010/143 - Alterations and Additions to Residential Aged Care Facility, Hackett Ln, Fox St & Owen St, Ballina

**Moved** Bruce Clarke, seconded by Pamela Westing

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the amended conditions of consent as outlined below and in Attachment A:

1. Amend Condition 2.4 to remove the words "kitchen and"
2. Delete Condition 5.16
3. Delete Condition 5.17
4. Delete Condition 6.5

**MOTION CARRIED UNANIMOUSLY**

The meeting concluded at 12.45 pm.

Endorsed by

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive, flowing style.

Garry West  
Chair, Northern Region Planning Panel  
13 December 2010

## CONDITIONS OF CONSENT

### 1. GENERAL CONDITIONS

#### General

- 1.1. 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 Humel Architects Drawing Nos. 2009.10 DA 3C, 4C, dated 11/6/10, 6C, 7C, dated 19/7/10 & DA 9C dated 18/12/09, except as modified by any condition in this consent.
- 1.2. **Commencement of occupation or use** Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.

#### Building Construction Requirements

##### 1.3 **Building Inspections**

Where Council is the Principal Certifying Authority.

Forty eight (48) hours notice is to be given to enable the following building works to be inspected during construction by the Council where Council is the Principal Certifying Authority. NOTE: All required sewer and water service plumbing drainage inspections are to be carried out by Council:

- (i) At the commencement of building work including the erection of builder's sign, site fencing, builder's sheds, erosion barriers and portable toilet facilities where required.
- (ii) When the internal sewer drainage pipelines beneath the building have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- (iii) When the external sewer drainage lines have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
- (iv) On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
- (v) On completion of the building before occupation and the issue of any occupation certificate.

**NOTE: These inspections are considered to be critical stage inspections required during construction. Failure to carry out these inspections is a breach of the *Environmental Planning & Assessment Act* and may jeopardise the issue of an Occupation Certificate.**

##### 1.4. **BCA compliance**

The buildings are to comply with the requirements of the *Building Code of Australia* and relevant Australian Standards.

#### Car Parking

##### 1.5. **Concrete or similar parking areas**

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 the stormwater system to ensure that stormwater is not directed onto adjoining properties.

#### Treatment of western wall of proposed Dementia Building.

- 1.6. The western wall of the proposed Dementia building is to be painted with a non reflective paint that will reduce the extent of reflective sunlight on immediately adjoining properties to the west of the proposed building.

### **Heritage**

- 1.7. The historic plaques on the site are to be retained within their existing locations.
- 1.8. All historic joinery features identified within the Statement of Heritage Impact Report dated 29 October 2010 (Items 13-17 within Table 2 -Items of Heritage Value) are to be retained. (In this regard you are required to contact Council's Cultural Heritage Officer).

## **2. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)**

*The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.*

### **Environmental**

#### **2.1. Noise Management**

Prior to the issue of the Construction Certificate, a Noise Management Plan prepared by a suitably qualified person shall be submitted to and be approved by the Council. The Plan shall address, but not be limited to, the following matters:

- anticipated airborne noise for all major noise generating activities and duration of these activities,
- predicted noise levels at sensitive receivers,
- specific physical and managerial measures for controlling noise,
- noise monitoring and reporting procedures,
- measures for dealing with exceedances,
- arrangements to inform residents of noisy activities likely to affect their amenity, including provision of a 24 hour contact point for residents, and
- establishment of a system to handle and respond to complaints.

### **Bunding**

- 2.2. The construction of the bunded area must comply with the requirements specified in Australian Standard 1940 – 2004 "The Storage and Handling of Flammable and Combustible Liquids" and Australian Standard AS 4452
- 1997 "The Storage and Handling of Toxic Substances".
- 2.3. The workshop area shall be provided with bunding to contain all liquid contaminants. Alternatively, a separate bunded area shall be set aside for the storage of oils, chemicals and other liquid contaminants. Details are to be submitted to and approved by Council prior to the release of the Construction Certificate.

### **Food Premises**

- 2.4. Plans and specifications showing details of layout and construction of the food premises, being Kiosk, method of installation of all fittings and fixtures are to be submitted to and be approved by Council prior to the issue of the Construction Certificate.

### **Building Construction Requirements**

#### **2.5. Section 68 Application**

A Section 68 Application under the Local Government Act must be submitted to and approved by Council prior to issue of the Construction Certificate. The application must be accompanied by appropriate hydraulic plans of all Plumbing and Drainage.

## 2.6. **Levies**

In accordance with Section 109F of the EP & A Act (Section 109 F) 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 0.2% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

## **Roads and Traffic**

- 2.7. Prior to the Issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 for the following civil works. Details are to be in accordance with the Northern Rivers Local Government *Development Design and Construction Manuals* (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the design is to comply with the requirements of Council's *Subdivision Code*.
- At the developer's expense, a turning area shall be constructed at the end of Fox Street at the site's frontage. This shall include extension of the existing Fox Street kerb and gutter and a 300mm width reconstructed overlap into the existing pavement. The pavement shall consist of a minimum 300mm of compacted roadbase quality material plus a minimum of 25mm asphalt. Inspection of the road widening is required by Council's Engineer (Ph. 6686 4444) 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 700mm and replace with approved sand fill.
  - At the developer's expense, the northern verge of Hackett Lane shall be constructed as a sealed pavement adjacent to the developments service dock area. The sealed pavement shall consist of a minimum 300mm of compacted roadbase quality material plus a minimum of 25mm asphalt. Inspection of the road widening is required by Council's Engineer (Ph. 6686 4444) 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 700mm and replace with approved sand fill.

## **Footpath & Gutter Crossing**

- 2.8. The provision of a concrete footpath a minimum of 1.35 metres wide extending the full length of sites Owen Street frontage within the western verge. The footpath is to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government *Development Design and Construction Manuals*.
- 2.9. The provision of a concrete footpath a minimum of 1.35 metres wide extending the full length of Hackett Lane within the southern verge. The footpath is to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government *Development Design and Construction Manuals*.
- 2.10. The provision of footpath and gutter crossings for the development. Details are to be in accordance with the Northern Rivers Local Government *Development Design and Construction Manuals* (as current at the time of construction works commencing).

## **Car Parking**

- 2.11. The design of all disabled car parking spaces is to be in accordance with Australian Standard AS/NZS 2890.5: 1993. Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Construction Certificate.

- 2.12. The design of all car parking and vehicular accesses is 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 Council prior to issue of the Construction Certificate.

### **Bonds**

2.13. ***Civil inspection fee, Construction Certificate fee & construction bond***

Prior to the issue of a Construction Certificate, 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 at the actual time of payment:

- Civil Construction Certificate Fee: Refer to Council's Schedule of Fees and Charges
- Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$180) -Civil Construction Bond: Equal to 5% of the estimated cost of the civil works (min \$1000).

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg. 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.

### **Stormwater Management**

- 2.14. The applicant must submit a Stormwater Management Plan for the proposed development that complies with the Water Sensitive Design requirements of Council's Development Control Plan No. 13 Stormwater Management. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.
- 2.15. The development shall make due provision for the diversion of the existing stormwater quantities that discharge onto the site via adjacent properties. The development shall be required to provide a suitable drainage system and demonstrate that the pre-development performance of the existing stormwater and overland drainage system is maintained. Details are to be included in the stormwater designs and submitted to and approved by Council prior to issue of the Construction Certificate for the development.

### **Fill**

- 2.16. The site's building envelope must be filled to a minimum level of RL 2.0 metres AHD. The car park levels may be filled to up to 300 mm less than RL 2.0 metres AHD subject to flow velocity depth relationship not exceeding a 0.4 ratio. The site filling and stormwater drainage design must ensure that there is no surface water flooding of any adjoining property. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

### **Water & Sewer**

- 2.17. The applicant shall be responsible for all costs associated with the connection of Council's sewer system to the consolidated lot created under this development. The consolidated lot shall be serviced by one sewer junction only with all existing and proposed buildings on the consolidated lot to be connected to this junction. Design plans are to be approved by Council prior to issue of the Construction Certificate.
- 2.18. The proposed extension of the Clark Wing building encroaches over an existing Council sewer main. The applicant shall be responsible for all costs associated with replacing and concrete encasing the existing sewer main over the full length of this encroachment.

Design plans are to be approved by Council prior to issue of the Construction Certificate.

- 2.19. The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to the consolidated lot created under this development. The consolidated lot shall be serviced by one water connection only and all existing and proposed buildings on the consolidated lot must be connected to this service. Design plans are to be approved by Council prior to issue of the Construction Certificate.
- 2.20. The applicant is required to submit to Council a hydraulic design detailing the sites connection to the reticulated water main including the required water meter size and backflow prevention in accordance with AS 3500. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of a Construction Certificate.
- 2.21. The applicant shall be responsible for all costs associated with raising or relocating the existing water hydrant in the Owen St verge where the new driveway crossing is proposed. Prior to the issue of the Construction Certificate, the applicant must submit an "Application for a Water Service" to Council for these works.

### **Developer Contributions/Bonds**

#### **2.22. *Developer Contributions***

Prior to issue of a Subdivision Certificate where building work is proposed, total 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 94 of the Environmental Planning & Assessment Act, 1979 and Development Servicing Plans prepared under the Section 64 of the Local Government Act 1993 and Section 306 of the Water Management Act, 2000 :

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Road Contribution Plan October 2002	24 October 2002
Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 May 2004
Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 May 2004
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
The Council of the Shire of Ballina Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development -Maintenance and Construction of Roads	9 February 1996

The Contribution Plans and Development Servicing Plans provide for the indexing of contribution amounts. The rates payable will be indexed rates at the time payment is made. Copies of the Contribution Plans and 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](http://www.ballina.nsw.gov.au).

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (attached).

## **2.23. Developer Contributions -Rous Water Development Services Charge**

A certificate of compliance/receipt of payment is to be obtained from Rous Water confirming that all money payable to Rous Water in respect to the load the development imposes on the Regional Bulk Water Supply has been paid in accordance with the Rous Water Development Servicing Plan April 2009.

Ballina Council acts as Rous Water's Agent in this matter and will issue a certificate of compliance/receipt of payment on behalf of Rous Water upon payment of the Rous Water Development Servicing charge to this Council. The charge is calculated as the Rous Water Development Servicing Charge per Equivalent Tenement (ET) current at the time of payment multiplied by the assessed number of ETs for the development for water supply purposes.

The contribution amount applicable at the time this consent is issued is as per Schedule 1 (attached).

A copy of the Rous Water Development Servicing Plan Charge may be viewed at Council's Customer Service Centre, Cherry Street, Ballina.

It is noted that the Rous Water Development Servicing Plan Charge may be waived where the development can demonstrate to Rous Water's satisfaction that it is a non-profit and charitable organisation, which by virtue of carrying such development is considered by Rous Water to be making a significant and positive contribution to the Community.

## **3. PRIOR TO CONSTRUCTION WORK COMMENCING**

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

### **Building Construction Requirements**

#### **3.1. *Issue of construction certificate***

The erection of a building under the terms and conditions of this Development Consent must not be commenced until:

**(a)** Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

- (i) The Council; or*
- (ii) An accredited certifier; and*

**(b)** The person having the benefit of the development consent has appointed a Principal Certifying Authority and has notified the Council (if Council is not the principal certifying authority) of the appointment; and

**(c)** The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

#### **3.2. *Hoarding/fencing***

If the work involved in the erection or demolition of a building is likely to obstruct or inconvenience pedestrian or vehicular traffic in a public place or involves enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected sufficient to prevent any substance from or in connection with the work, falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

### 3.3. **Demolition**

All demolition work is to be carried out in accordance with the WorkCover Authority and Council guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the building are to be disconnected by licensed tradespersons.

### 3.4. **Surveyor setout**

A survey peg-out is to be carried out by a Surveyor to establish the correct position of the boundaries of the allotment before any building work commences, unless all existing survey pegs can be located.

## **Access**

- 3.5. A single all weather accessway is to be provided on site that extends from the kerb to the building construction site. 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.

**Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.**

## **Sedimentation and Erosion Control**

- 3.6. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and 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:
- (a) The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land.
  - (b) Service trenches are to be backfilled as soon as practical.
  - (c) Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
  - (d) Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and or watercourses.
  - (e) Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

**Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.**

## **Public Liability**

- 3.7. Prior to the commencement of construction, the contractor must submit a copy of their 10 million dollar Public Liability Insurance policy and a completed copy of the "Notice of Commencement of Civil Development Work" form to Council. Copies of the form are available on Council's website.

## **Traffic Control**

- 3.8. All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites*. Details are to be submitted to and approved by Council prior to the commencement of Construction.

#### **4. DURING CONSTRUCTION**

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

##### **Environmental**

##### **4.1. Hours of building work**

Any building work involving the use of noisy mechanical plant or noisy equipment must only be carried out within the following hours:

- (a) Monday to Friday -7.00am to 6.00pm
- (b) Saturday -8.00am to 1.00pm
- (c) Sunday/Public Holidays -No noisy work at all

##### **Demolition**

- 4.2. All work, including demolition, excavation and building work must comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- 4.3. All demolition, construction or the like waste is not to be stored or stockpiled on the site and must be disposed of to an approved waste facility.
- 4.4. All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility or if alternative disposal methods are sought, that written approval is granted by Council.
- 4.5. All demolition work is to be carried out in accordance with the WorkCover Authority guidelines, Australian Standard 2601:2001 'The demolition of structures', and Council guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the buildings are to be disconnected by licensed tradespersons.

##### **Waste Disposal**

4.6. The waste disposal area/s are to be screened, covered, graded and drained to the sewer and if required via a pre-treatment device. **Details of the location and method of storing and disposing of solid and liquid wastes must be submitted to and approved by Council prior to the release of the Construction Certificate.**

##### **Fill**

- 4.7. The applicant shall ensure that any fill material imported to the site for the proposed development shall only be obtained from other fill sources with approved testing. The supplier of the fill material must certify to Council at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

##### **Acid Sulfate Soils**

- 4.8. Any Acid Sulfate Soils (ASS) disturbed during construction shall be managed appropriately on site. The subject soil should be tested for the presence of ASS and treated accordingly.

##### **Soil Erosion & Sediment Control**

- 4.9. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
- 4.10. The advisory sediment and erosion sign issued with this approval is to be attached to the

most prominent structure at the entrance of your site at all times during the construction of the project. Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

- 4.11. Suitable covering and protection is to be provided to all stockpiles to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.

### **Mosquito Management**

- 4.12. In accordance with Combined DCP chapter 11 'Mosquito Management' all rooms capable of being used for sleeping must be provided with adequate insect screening. An effectively screened outdoor communal area is to be provided at the development.

### **External Lighting**

- 4.13. 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". Upon installation of lighting and before finally commissioned, a report from a suitable qualified consultant shall be submitted to Council demonstrating compliance in accordance with this condition.

### **Construction & Fit-out – Beauty & Hair Salon**

- 4.14. The construction and fit out of the hair salon must comply with the requirements of the Local Government (General) Regulation 2005 and provide the following:
- a) The floor of the premises is to be finished with an impervious material capable of being easily cleaned.
  - b) A free standing hand wash basin with soap and hot and cold running water (delivered through a single spout) must be provided in each of the treatment rooms/salon.
  - c) A designated cleaning sink (as distinct from the wash hand basin), with warm running water must be provided to wash equipment and utensils.
  - d) The wall at the rear of the wash basin and sink must be finished with glazed tiles or other smooth and impervious material, and be evenly laid from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin.
  - e) Shelves, fittings and furniture should be constructed of, or covered with, material that is durable, smooth, impervious and capable of being easily cleaned.

### **Building Construction Requirements**

#### **4.15. *Builder's sign***

A suitable sign is to be provided on the building site in a prominent location, indicating the builder's name, licence number and contact telephone numbers (including after hours numbers).

#### **4.16. *Safety fencing***

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.

**4.17. Building waste containment**

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

**4.18. No storage of materials on Council land**

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

**4.19. Minimum Floor Level**

The finished floor height of the building is to be constructed at a minimum RL of 2.5 metres AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to Council at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

**Engineering Requirements**

**4.20. 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). Where details are not addressed in these Manuals, the works are to comply with the requirements of Council's *Subdivision Code*.

**4.21. Traffic Control**

All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites* and the approved plans.

**4.22. Water & Sewer Connections**

Council's Engineer must inspect and approve construction works associated with the disconnection of the existing development and connection of the proposed development to Council's water and sewer mains. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and connection.

**4.23. Footpath & Gutter Crossings**

Council's Engineer must inspect and approve works associated with the construction of the footpath and gutter crossing for the development. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and at least 24 hours prior to the concrete pour.

**4.24. Repair damaged infrastructure**

Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.

**4.25. Reinstatement of road verge**

Any grass verge or footpath within the road reserve that is damaged as a result of development works on the site shall be immediately reinstated to a satisfactory and safe condition. This will involve the regrading of the disturbed area, turfing and top-dressing.

**5. PRIOR TO OCCUPATION OR USE**

*Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.*

## **Noise Management**

- 5.1. An acoustic consultant shall provide Council with certification that the development complies with the predicted noise levels and conclusions in the Acoustic Assessment dated September 8 2009 prepared by Garry Hall Ambience Audio Services or as amended, prior to the release of the Interim and/or Final Occupation Certificate.

## **Building Construction Requirements**

### **5.2. Compliance certificate**

Where Council is not the Principal Certifying Authority, the applicant shall ensure that a Compliance Certificate is submitted to Council on completion of the building. Such Certificate is to certify that all required inspections have been completed; compliance with the approved plans, development consent conditions, *Building Code of Australia* and relevant Australian Standard requirements.

### **5.3. Occupation certificate**

Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

### **5.4. Fire safety certificate**

On completion of the erection of the building, the owner is required to provide Council 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 BCA.

### **5.5. Fire safety statement**

The owner of the building must provide Council with a Fire Safety Statement at least once in each twelve month period, certifying that the essential services installed in the building have been inspected and tested by a competent person and at the time of that inspection, were capable of operating at the minimum standard required by the development consent. This certificate is to be kept in the building to which it relates.

## **Plan of Consolidation**

- 5.6. A plan of consolidation of the Lots 1 & 2 DP 546712 & Lot B DP 445363 included within the bounds of the development shall be submitted to Council. This plan shall be endorsed by Council and registered at the Land Titles Office prior to issue of an Occupation Certificate.

## **Civil Works**

- 5.7. All civil works approved under Section 138 of the Roads Act 1993 with the Construction Certificate 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* (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the construction is to comply with the requirements of Council's *Subdivision Code*.

## **Works As Executed**

- 5.8. Prior to the release of the Occupation Certificate, the applicant shall submit to Council a hard copy of a 'Works-as-Executed' (WAE) drawing at a scale of 1:500 in addition to a computer disk copy of the WAE information. Separate drawings shall be provided for 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.

### **Car Parking**

- 5.9. The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
- 5.10. The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.5: 1993. All works are to be completed prior to issue of the Occupation Certificate.

### **Stormwater Management**

- 5.11. All stormwater management works within the site are to be completed in accordance with the Stormwater Management Plan and Construction Plans approved prior to issue of the Occupation Certificate.

### **Water & Sewer Works**

- 5.12. The completion of all water supply and sewer works in accordance with the approved Construction Plans and in accordance with Councils *Subdivision Code* (as current at the time of construction works commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.

### **Footpath & Gutter Crossings**

- 5.13. The provision of a footpath and gutter crossing for the development. Details are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing). Where details are not addressed in these Manuals, the design is to comply with the requirements of Council's *Subdivision Code*. All works are to be completed and approved by Council prior to issue of the Occupation Certificate.

### **Maintenance Bonds**

- 5.14. 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:
- Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)
- 5.15. A maintenance period of 12 months will apply from the date of issue of a Subdivision 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.

### **Completion of Construction Tasks**

- 5.18. Any hoarding or similar barrier erected to protect a public place is to be removed from the site prior to use of the development.
- 5.19. All temporary soil erosion controls employed during construction are to be removed and other permanent measures put in place as necessary.
- 5.20. All temporary builder's signs or other site information signs, temporary toilet facilities, waste storage bins and the like are to be removed upon completion of site works.

- 5.21. A Final Occupation Certificate may be issued if the building is suitable for occupation or use in accordance with its classification under the *Building Code of Australia*.

## **6. 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.*

### **Amenity**

- 6.1. The land use on the 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.

6.2. ***Hours of Operation***

The hours of operation for any noise generating activity 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 activities are to take place on Sundays or Public Holidays.**

### **Servicing**

- 6.3. Vehicles servicing the loading docks shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Friday.

6.4. ***Loading & unloading***

All loading and unloading of goods is to be carried out off-street and wholly within the site.

### **Littering**

- 6.6. To prevent littering and the pollution of waters, cigarette butt bins must be provided externally on site for the disposal of cigarette butts. Positioning must be in convenient locations to the carpark areas and the entry and exits to the development but at a sufficient distance that smoke does not enter the building structure.

### **Waste**

- 6.7. Waste from the workshop area/s shall not be conveyed to any stormwater drainage system.

### **Landscaping**

6.8. ***Landscaping to accord with plan***

All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

### **Lighting**

6.9. ***Controlled illumination***

The intensity of light in the sign being limited in the interest of amenity and not cause glare or distraction to motorists or other persons.

## **REASONS FOR CONDITIONS**

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

## **ADVISORY MATTERS**

### **1. Disability Discrimination Act 1992**

The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992 (DDA). The applicant is advised to investigate any liability that may apply under that Act. *Australian Standard AS 1428 – Design for Access and Mobility* should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

- it does not cover all developments that are subject to the provisions of the DDA;
- it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
- while it mandates improved access for people with disabilities, it is not framed in terms of “equality of access”.

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

### **2. Protection of the Environment**

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

### **3. Noise control**

Use of the premises/services/equipment/ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the *Protection of the Environment & Operations Act 1997*.

### **4. WorkCover requirements**

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

### **5. Wastewater management advice**

All work carried out in connection with this approval must comply with any applicable standard established by the *Local Government (Approvals) Regulation 1993*, the *Local Government (Water, Sewerage and Drainage) Regulation 1993*, or by or under the Act.