



MEMORANDUM

To: Joint Regional Planning Panel
From: Lismore City Council
Date: 18 July 2016
File: Council ref (DA2016/111) and JRPP Ref (2016NTH016)
Subject: Schedule of Amended Conditions

Reference is made to the subject DA that is due to be considered and determined by the JRPP on Wednesday 20 July 2016.

On the 7 July 2016, Council forwarded the following documents to the JRPP:

1. Cover Page;
2. Development Assessment Report; and
3. Schedule of Conditions.

Following discussions with the Applicant, Council wishes to make the following amendments to the schedule of conditions:

Delete Condition B22 (S94 Contributions).

The applicant made a submission to Council objecting to Condition B22, which related to the charging of S94 Contributions. The applicant's submission argued that the proposed development should not be charged any s94 contributions as it met some of the criteria in Section 2.15 (The Exclusions for certain types of developments) of the Lismore City Section 94 Contributions Plan, particularly the point which states the s94 plan does not apply to development for the sole purpose of the adaptive reuse of an item of environmental heritage.

Council's Consultant Planner, Mr Mike Svikis, reviewed the applicants submission and the Lismore City Section 94 Contributions Plan and made the following comments: *I have reviewed the Section 94 plan and agree that this application is an adaptive reuse of an item of heritage and therefore is "excluded from the requirement to make a contribution towards provision or improvement of facilities or services" under section 2.15 of Lismore S. 94 plan. No S94 contributions should apply.*

Amend Condition F11 (Ancillary Use).

At the request of the applicant, the following note is to be added to Condition F11 to assist in understanding, interpretation and application of the 'ancillary use' requirement of the condition:

Note: In understanding, interpreting and applying the 'ancillary use' requirement of this condition, reference is made to the Department of Planning and Environments Planning Circular (PS13-001) on 'How to characterise development'.

In view of the above, Condition F11 is to be amended to read:

Ancillary Use

F11. The use of the bookshop, café and multi-function room for non-art gallery related functions shall be ancillary to the use of the premises, as an information and education facility (Art Gallery) at all times.

Note: In understanding, interpreting and applying the 'ancillary use' requirement of this condition, reference is made to the Department of Planning and Environments Planning Circular (PS13-001) on 'How to characterise development'.

Reason: To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use.

New Schedule of Conditions:

In view of the above, **attached** to this memo is an updated Schedule of Condition's reflecting the above amendments.



Rodney Mallam

Snr Development Assessment / Heritage Planner

ATTACHMENT 2 – CONDITIONS OF CONSENT

DA No. 5.2016.111.1

110 & 126 Magellan Street and 152 Keen Street, LISMORE Lismore Regional Art Gallery Development

AA. DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

Evidence required to satisfy these conditions must be submitted to Council within twenty four (24) months of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

- AA1 The existing fig tree (*figus sp.*) between Car Park “C” and Magellan Street is to be retained and protected as part of this consent and is not to be adversely impacted upon by the construction of Car Park “C”. Details demonstrating compliance with this requirement are to be submitted to and approved by Council and are to include:
- Engineering design and construction details, including details of the proposed depth of excavation or filling and the proposed pavement material; and
 - A report from a suitably qualified arborist assessing the impact of the Car Park “C” upon the immediate and long term health of the fig tree (*figus sp.*).

Reason: to ensure the retention and long term protection of the fig tree between Car Park “C” and Magellan Street.

- AA2 A loading and unloading arrangement, compliant with AS 2890 “Off-street car parking”, is to be provided for the Lismore Public Library building to the satisfaction of Council. Plan details of the proposed loading and unloading arrangement is to be submitted to and approved by Council and is to include, but not be limited to:
- access and egress points for the delivery vehicles;
 - the loading and unloading area; and
 - the manoeuvring area for the delivery vehicle compliant with AS 2890 “Off-street car parking”.

Reason: To ensure adequate loading and unloading for the Lismore Public Library Building.

A. CONDITIONS THAT IDENTIFY APPROVED PLANS

Development in Accordance with Plans

A1. The development being carried out in accordance with following drawings:

Plans numbered	Drawn by	Rev	Date
CD005 Drawing Register + Legend	Dominic Finlay Jones Architects Pty Ltd	01	15/04/16
CD010 Masterplan	Dominic Finlay Jones Architects Pty Ltd	02	04/07/16
CD220 Proposed Level 00 Plan	Dominic Finlay Jones Architects Pty Ltd	01	15/04/16
CD221 Proposed Level 01 Plan	Dominic Finlay Jones Architects Pty Ltd	01	15/04/16
CD222 Roof Plan	Dominic Finlay Jones Architects Pty Ltd	01	15/04/16
CD300 Proposed Elevations Sheet 1	Dominic Finlay Jones Architects Pty Ltd	01	30/05/16
CD301 Proposed Elevations Sheet 2	Dominic Finlay Jones Architects Pty Ltd	01	30/05/16
CD400 Building Section Sheet 1	Dominic Finlay Jones Architects Pty Ltd	01	30/05/16
CD401 Building Section Sheet 2	Dominic Finlay Jones Architects Pty Ltd	01	30/05/16
Dwg: 620-02	Plummer and Smith	B	14/4/16
Dwg: 620-03	Plummer and Smith	B	14/4/16
Dwg: 620-04	Plummer and Smith	B	14/4/16
Dwg: 620-05	Plummer and Smith	B	14/4/16
Dwg: 620-06	Plummer and Smith	B	14/4/16
Dwg: 620-07	Plummer and Smith	B	14/4/16
Dwg: 620-08	Plummer and Smith	B	14/4/16
Dwg: 620-09	Plummer and Smith	B	14/4/16
Dwg: 620-10	Plummer and Smith	B	14/4/16

as endorsed with Council's approval stamp, and the supporting documents submitted with the application, except where amended by the following conditions.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information.*

No Demolition of Extra Fabric

A2. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: *To ensure compliance with the approved development.*

No Approval for Signage

A3. No signage is approved as part of this Development Consent, despite the references to signage on the stamped approved plans.

Note: *There are insufficient details provided with the application to enable assessment against applicable planning controls. Building identification signage for the*

development may be able to be erected as exempt or complying development under the provisions of SEPP (Exempt and Complying Development Codes) 2009.

Reason: *To correctly identify what is approved.*

B. CONDITIONS THAT REQUIRE MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Building Code of Australia Upgrade

- B1. The proposed building works and the existing building shall be upgraded to incorporate the recommendations of the BCA Consideration Report NO.16008, prepared by BCA Check Pty Ltd dated 16 February 2016, and to confirm that any further works required to comply with the BCA are consistent with the advising's attached to these conditions of consent.

In addition to these requirements, an electrical audit of the whole building, including existing wire shall be undertaken by a licensed electrical contractor certifying all the wiring in the building is compliant, safe and unlikely to be a source of ignition for fire. This includes the roof void.

Details prepared by an appropriately qualified person(s) demonstrating compliance with the above requirements are to be submitted to Certifying Authority for approval **prior to the issue of any Construction Certificate.**

Reason: *To comply with s.94 of the EP & A Regulation and eliminate sources of ignition.*

Construction Management Plan

- B2. A Construction Management Plan shall be submitted to, and approved in writing by the Council **prior to the issue of any Construction Certificate.** The program shall detail:

- A Safe Work Method Statement.
- The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense.
- A dilapidation report of existing public assets.
- Unless approved by council all vehicles shall and leave the site in a forward direction
- Maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
- Proposed fencing to the site during the construction phase of the development
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.

- Identification of complaint management procedures including:
 - i. contact details for the on-site manager;
 - ii. dispute resolution procedures.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Unless approved all loading and unloading shall be within the site. Wherever possible mobile cranes should be located wholly within the site.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Proposed protection for Council assets and adjoining properties.
- The location and operation of any on site crane; and
- A traffic control plan including the location of any Construction Zone.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community*

Section 138 Approval

B3. Prior to the issue of a Construction Certificate the applicant shall obtain approval under **section 138 of the Roads Act** for all works within the road reserve.

All infrastructure is designed and constructed in accordance Northern Rivers Development and Design Manual (as amended) as well as any amendments listed elsewhere in this approval. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work.

Reason: *To ensure an adequate road network in accordance with adopted standards can be provided and to specify requirements for approval under section 138(4) of the Roads Act.*

Car Parking

B4. Seventy-eight (78) off-street car-parking spaces, together with access driveways, shall be constructed, paved (unless otherwise approved in writing by Council), line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and experienced engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate.**

Reason: *To ensure on-going compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles*

Loading and Unloading

- B5. The proponent shall upgrade the section of the Frederick's Car Park driveway to be used by Art Gallery delivery vehicles to an 'industrial standard' as defined in the Northern Rivers Development and Design Manual. Works are to be designed and constructed in accordance with the Northern Rivers Development, Design and Construction Manuals (as amended) and plan details are to be submitted to the Certifying Authority for approval **prior to the issue of the Construction Certificate**. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work.

Reason: *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles*

Pedestrian Access

- B6. A pedestrian access, to be shared with the nominated Library loading access, is to be provided from Magellan Street providing access to the library delivery area and the turf quadrangle. This access shall be physically separated from Car Park "C". Details of the shared access way is to be submitted to and approved in writing by the Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: *To ensure adequate and safe movement of pedestrians and access to loading area. (EPA Act Sec 79C(b)).*

Erosion and Sediment Control

- B7. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Lismore City Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites*

Stormwater Management

- B8. **Prior to the issue of the Construction Certificate** full design details of the stormwater management system for the development prepared and certified by an appropriately qualified and experienced engineer **shall be submitted to the Private Certifier for approval** prior to **Section 68 of the Local Government Act approval by council**. The system shall be designed and constructed in accordance with Lismore City Council Development Control Plan Part A chapter 22 "Water Sensitive Design", Australian Standard AS3500 Plumbing and Drainage Part 3 "Stormwater Drainage". Stormwater control and treatment measures shall be installed to ensure stormwater discharges satisfy the qualitative and quantitative objectives of Council's DCP chapter 22 "Water Sensitive Design".

The discharge of stormwater from the site shall be limited to the pre-development flow for an ARI of 10 years and a time of concentration of 6 minutes, unless otherwise approved in writing by the Certifying Authority.

Reason: *To manage stormwater quality and quantity and to protect the environment and ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))*

- B9. **Prior to issue of the Construction Certificate**, plans and certification prepared by an appropriately qualified and experienced engineer indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings, and adjacent catchments, shall be submitted to the Certifying Authority for approval with the Construction Certificate for construction works. Stormwater shall be conveyed by gravity from the site to the nearest Council stormwater drainage system. All designs shall be in accordance with the following specifications:-

- (a) Conveyed by gravity (not a charged or pumped system) Council's street stormwater gully reticulation. If a direct connection to the pit option is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- (b) The applicant shall carry out an evaluation of Council's stormwater drainage system and the effect of the proposed development on this system. The results of this evaluation shall be submitted with all other drainage details to Council.
- (c) All civil and drainage works within the road reserve and Council's stormwater drainage easement shall be designed and built in accordance with Council's current Design Guidelines and Policies. Council reserves the right to keep all bonds on public infrastructure works for a 6 month defects liability period.
- (d) Video inspection must be carried out of completed drainage works that are to revert to council and a video DVD forwarded to council's Development Engineer to support the certification. Bonds held by Council will be returned after receipt of satisfactory information.
- (e) The stormwater drainage system shall be designed for an average recurrence interval as set out in the Lismore City Council Development Control Plan Part A chapter 22 "Water Sensitive Design".
- (f) All plumbing within the site shall be carried out in accordance with AS/NZ3500.3.2, National Plumbing and Drainage Code.

- (g) The proponent shall make satisfactory provision for existing lots adjoining the property and the proposed lots to dispose of stormwater without causing a nuisance to other lots. An adequate drainage system shall be constructed to ensure that all roof water and/or surface water from paved areas from any existing or proposed lots can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All drainage lines are to be located within drainage easements to the satisfaction of Council.
- (h) Any proposed fence is to be constructed so as not to impede the natural overland flow along the line of the easement.
- (i) Engineering details are to be prepared to comply with relevant Australian Standards and Council guidelines, and shall be certified by an appropriately qualified and experienced engineer.

Reason: *To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that infrastructure reverting to Council's care and control is of an acceptable standard)*

Colours, Finishes and Materials

B10. External colours, finishes and materials shall be complimentary to similar buildings in the immediate vicinity, specifically the Lismore Library Building and the Lismore Conservatorium Building. A schedule of the external colours, finishes and materials is shall be submitted to the Certifying Authority for written approval **prior to the issue of a Construction Certificate**.

Reason: *To ensure that the proposed colour scheme is appropriate to the type, and style of buildings in the surrounding area.*

Asbestos & Hazardous Material Survey

B11. In relation to the demolition or alteration of the existing building (or part of a building) on the site:

- (a) A report prepared by an appropriately qualified person (such as an Occupational Hygienist, work covered registered person or Environmental Consultant) is to be submitted to the Certifying Authority, for approval with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works. (eg lead in paints and ceiling dust or asbestos based products).

Note: *If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, items including dust control and WorkCover requirements.*

- (b) Should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to Council (at least five (5) working days **prior to work commencing**) in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material;

- (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment;
 - (iv) Proposed methods of disposal. Receipts must be made available to any authorised officer of Council on request to ensure hazardous materials have been disposed of in an appropriately designated waste management facility;
 - (v) Details of signage to be provided on the site to comply with the provisions of the Work Health & Safety Regulation 2011 to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out;
 - (vi) Any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information).
- (c) Where unacceptably high levels of lead are found in a premises to be demolished, Item (b) is to be followed, and if the directed by the appropriately qualified person, the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- (d) All work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998 : *Guide to lead paint management - Residential and commercial buildings*. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements in (b)-(d) shall be submitted to and approved by the Principal Certifying Authority.

Notes:

1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au.
2. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.*

Public Art

B12. Prior to the issue of a Construction Certificate the person acting on this consent shall enter into a written agreement with Lismore City Council, in accordance with Council's Public Art Policy and Procedures, in relation to the provision of a mutually agreed public art project as part of the approved development to a value of at least 1% of the cost of the total project. The public art is to be provided (in whole or in part) on the western elevation of the building and is to be of a permanent and durable nature. The written agreement with Lismore City Council shall include timing of proposed payment, the location of the public art on the western elevation and procedures for determining the preferred art project.

Reason: *To ensure compliance with Part A, Chapter 21 of the Lismore DCP and the provisions of Council's Policy No 8.2.1 Public Art.*

Waste Management Plan

- B13. A Waste Management Plan (WMP) for both the construction and operational components of the development shall be submitted to and approved by the Certifying Authority **prior to the issue of the Construction Certificate** in accordance with the provisions of Chapter 15 of the Lismore DCP. The WMP should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, the design of on-site waste storage and recycling area and the administrative arrangements for waste and recycling management during the construction process.

Reason: *To encourage the minimisation of waste and recycling of building waste.*

Flooding

- B14. The development shall be provided with a mezzanine level (with emergency exit for evacuation purposes) above the 1 in 500yr ARI flood level as an emergency flood refuge for employees. Details of the mezzanine level are to be submitted to and approved in writing by the Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: *To comply with Development Control Plan No. 1, Part A, Chapter 8.*

- B15. A risk analysis report prepared by a structural engineer certifying the design criteria adopted for the building will withstand the impacts of floodwaters and debris for floods up to the 1 in 500 year ARI and PMF events. Such report to be **lodged with the Construction Certificate Application**.

Reason: *To comply with Development Control Plan No. 1, Part A, Chapter 8.*

Water and Sewer

- B16. **Prior to being issued with a Construction Certificate** the proponent shall obtain approval under Section 68 of the Local Government Act, 1993 for the water supply and sewerage works required for this development. The proponent shall submit the appropriate Activity Application Forms accompanied by such information as is listed in Council's Water, Sewer and Liquid Trade Waste Activity Application Check-list. Note:

The proponent shall not commence construction of any part of the water supply and sewerage works prior to receiving an Activity Approval specifically for the water supply and sewerage works and plans with Council's stamp of approval.

Reason: *To comply with Section 68 (s68) of the Local Government Act, 1993.*

Landscaping

- B17. Car Park B is to be setback a minimum of 2m from the northern boundary of the site. The 2m setback area is to be landscaped and is to include the provision of three (3) shade trees. Details demonstrating compliance with this requirement are to be included in the landscape plan required by **Condition B18** below.

Reason: *To comply with the requirements of Part A, Chapter 7 of the Lismore Development Control Plan.*

- B18. **Prior to the issue of a Construction Certificate**, the Applicant is to submit to the Certifying Authority for written approval a revised Landscape Plan for the whole of the site. The revised and more detailed Landscape Plan is to be prepared by person(s)

with appropriate knowledge, qualifications and experience in landscape architecture or landscape design. The Plan is to be prepared generally in accordance with the following guideline (although plant species are not limited to those in the guideline):

- Lismore City Council (2007). *Landscape Guidelines for Lismore City Council*.

The Landscape Plans are to be amended to include:

- a) A minimum of 35 trees must be planted to compensate for the loss of amenity from the trees approved to be removed. The replacement species chosen are to be local native species, preferably chosen from the native species list contained in Lismore Landscape Guidelines.
- b) The landscaping and shade tree requirements of Condition B17 above.
- c) A finished surfaces plan showing proposed finished levels and areas of paving, concrete, turf, garden beds (with suitable garden edging) and structures such as retaining walls and stormwater drainage infrastructure.
- d) All turfed areas are to have the following conditions:
 - o 'Wintergreen' Couch (variety)
 - o Minimum 1:4 slope with a preference of 1:5;
 - o All rock and debris to be removed before laying;
 - o All trenches and back-filled areas are to be compacted prior to turfing works;
 - o Turfed areas are to be free of significant undulations that is not conducive to ease of mowing.
- e) A detailed planting plan which shows the location and mature size of each plant (drawn as simple circles with quantity and species indicated).
- f) A plant schedule with all proposed plants listed under the headings: trees, shrubs, groundcovers. The schedule is to indicate the botanical name, total quantity, and pot sizes for each species.
- g) Specifications for garden bed preparation (e.g. depth of imported topsoil, mulch), details for planting, staking, irrigation and maintenance.
- h) consideration of Crime Prevention Through Environmental Design (CPTED) principles, including all low level ground covers, shrubs and small plants shall be maintained so as not to exceed 900 millimetres in height and all trees should have canopies with the lower limbs trimmed to a height above two metres from the ground level.
- i) Protection of existing trees to be retained by demonstration of an adequate Tree Protection Zone (TPZ).
- j) Any landscaping to be located within 2m of the vehicular access shall be limited in height to a maximum height of 0.6m.
- k) All landscape and tree planning should be undertaken in consultation with Council's Open Space Assets Coordinator, Martin Soutar, on telephone 1300 87 83 87.

Reason: *To ensure that the development is appropriately landscaped to help integrate it into the streetscape and; to ensure that the development contributes positively to the legibility, visual & non-visual amenity, safety and urban design of the public space.*

Construction, Cleanliness and Maintenance of Food Preparation Areas

B19. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of the:-

- (a) Food Act (as amended)
- (b) Food Regulation (as in force);
- (c) Food Standards Code
- (d) AS4674 (Design, Construction and Fit-Out of Food Premises);
- (e) Lismore Water - Trade Waste Section;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;

The relevant matters to be taken into account under this approval relate to:-

- (a) construction, materials and finishes;
- (b) installation of fixtures, fittings and equipment;
- (c) washing facilities, other facilities and special requirements;
- (d) mechanical ventilation and exhaust discharges; and
- (e) temperature control

The premises must be registered with Council prior to the commencement of the use.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to, and approved by, the Certifying Authority **prior to the issue of a Construction Certificate** for works relating to areas intended for the preparation/storage of food relative to the proposed risk *classification under Council's Food Safety Program*.

Note: *It is recommended that consultation be undertaken with Council's Food Safety officer at an early stage and prior to construction commencing to ensure that proposed and future food preparation options do not incur additional costs at a later date and are pre-planned for rather than retrofitted. Please note that failure to provide complete and detailed information may result in delays and requests for additional information or disappointment in relation to future changes of use.*

Reason: *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation*

Impact upon Heritage Significant Footings

B20. The location and construction of the new vehicular access from Magellan Street to the Conservatorium car park on Lot 15 DP867281 is not to adversely impact upon the footings that were retained on site following the demolition of a former Lismore High School building. Details demonstrating compliance with this requirement are to be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate**.

Reason: *To retain the heritage significance of the footings of a former Lismore High School building.*

Fencing between Substation and Art Gallery Building

B21. The following sections of fencing are not approved as part of this DA:

1. the proposed fencing between the existing substation and the art gallery building; and
2. the proposed fencing between the south-eastern corner of Lot 2 DP631896 and the art gallery building.

Alternatively, a new section of fencing is to be provided for the short length between the north-eastern corner of the sub-station and the adjacent northern boundary of the site.

Details demonstrating compliance with the above requirements are to be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate.**

Reason: *To facilitate pedestrian access around the art gallery building and to comply with Part B, Chapter 3 of the Lismore DCP.*

S94 Contributions

B22. Deleted

C. CONDITIONS THAT MUST BE ADDRESSED PRIOR TO THE COMMENCEMENT OF WORKS

Pre-start Meeting

C1. **Prior to the commencement of the works within the road reserve**, the principal contractor or consultant must arrange and facilitate a pre-start meeting with the applicant's designated engineering consultant/designer, principal contractor and Council's Development Engineering Assessment Officer. The developer shall appoint a site manager and advise the Council of his/her name and after hours phone contact. The manager shall be the point of contact for Council and the public. The all hours contact number should be clearly displayed at the site access.

- a. The following matters will be discussed at the pre start meeting:

Confirmation that the engineering drawings for the development have been approved.
Confirmation that the Construction Management Plan has been approved and the pre-construction requirements are complete:

- Confirmation that an Erosion and Sediment Control Plan has been prepared for the site.
- Confirmation that appropriate arrangements have been made for the parking by employees and subcontractors.
- Confirmation that a Construction Management Plan including traffic control plan prepared by an RMS accredited person has been submitted and approved by council.
- Notification to adjoining property owners.

Reason: *To ensure construction of the development adequately addresses pedestrian safety and is carried out in accordance with adopted standards*

Damage to Public Infrastructure

C2. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing

or by photographic record, of any existing damage to Council property before **commencement of works**.

Any damaged to the existing concrete footpath must be replaced for a section length (between construction joints) across the full width of the concrete footpath.

Note: *This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.*

Reason: *To ensure the protection of existing built public infrastructure.*

Earthworks

- C3. **Prior to commencement of works**, a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any fill material adjacent to or below any structure has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". The completion report must note that the; foundation, fill materials, workmanship, fill compaction density and fill moisture contents are acceptable for the intended and certified use of the fill and meet the specifications of the site. Filling in excess of 2m of height must be accompanied by a geotechnical slope stability analysis of the final construction undertaken using limit equilibrium techniques and site specific parameters. Level 2 certification is required for all other fill areas.

Reason: *To ensure the development is completed in accordance with the conditions and approved construction design plans.*

Tree Protection and Temporary Fences

- C4. All trees that are to be specifically nominated in the schedule below are to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified and experienced Arborist prior to commencement of any works on the site, and any recommendations (or methods) to ensure the protection of trees shall be undertaken for the duration of works on the site.

All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.

Protection measures are to comply with the Australian Standard for Tree Protection on Development Sites (AS4970-2009).

Appropriate fencing such as ATF-type fencing, not less than the distance shown in the schedule hereunder, shall be installed to the satisfaction of the Principal Certifying Authority prior to demolition or commencement of any building works and maintained for the duration of the works:-

Schedule

Description of Tree	Distance
1 x Melaleuca quinquenervia	3 metres
1 x Eucalyptus sp.	5 metres
1 x Ficus hillii	as per Deferred Commencement Condition AA1

Reason: To protect the trees to be retained on the site during construction works.

D. CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Compliance with Building Code of Australia

D1. The development must be carried out in accordance with the requirements of the *Building Code of Australia*.

Notes:

1. *There are advisings attached to these conditions, which provide detail of works required to comply with the provisions of the Building Code of Australia relative this proposed development. It is strongly recommended that any contractor undertaking work on this project familiarise themselves with these advisings to ensure compliance with relevant BCA requirements or seek clarification from the Principal Certifying Authority if there is uncertainty about compliance requirements. Failure to seek clarification may result in delays in final certification of the works.*
2. *In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:*
 - (a) *development consent, or*
 - (b) *construction certificate, in every other case.*

Reason: Statutory condition imposed under the provisions of the *Environmental Planning & Assessment Regulation*

Construction Hours

D2. Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only.

Notes:

For the purposes of this condition:

- *“Building construction” means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.*
- *“Demolition works” means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.*
- *“Excavation work” means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.*

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community.*

Out of Hours Work Permits

D3. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre.

Notes:

1. *Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.*
2. *It is recommended that applications for permits be lodged as early as possible to allow sufficient time for determination by Council and avoid disruption or delay due to conflicting priorities.*

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community*

Waste

D4. Any removal of waste materials from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials. Waste materials must be disposed of in an approved waste management facility unless:

- (a) Development consent from the relevant local Council is obtained
- (b) An environment protection licence from the NSW Environment Protection Authority is obtained

The provisions of the Protection of the Environment and Operations Act must be complied with at all times.

Reason: *To protect the environment.*

Flood compatible fixtures and power outlets

D5. All materials used in the building, including fixtures and fittings below the adopted standard flood level of 12.37m (AHD), shall be flood compatible.

Reason: *To ensure adequate protection from frequent flooding*

Demolition

D6. Demolition must be carried out in accordance with Australian Standard AS 2601- 2001, *Demolition of structures*.

Reason: *Statutory condition imposed under the provisions of the Environmental Planning & Assessment Regulation*

Installation and Maintenance of Sediment Control

D8. Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with the "Lismore City Council Guidelines on Sediment and Erosion Control". All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: *To protect the environment from the effects of sedimentation and*

erosion from development sites

Crime Prevention / Safety and Security

- D9. Security lighting is to be provided and maintained in accordance with AS1158 for the car parking areas and areas outside of the building, including: the north and south terraces, the grass quadrangle, all pedestrian pathways, entrances and common areas.

Reason: *To increase the safety of the development and its surrounds.*

- D10. All security lighting is to be designed to be vandal resistant.

Reason: *To target harden approved infrastructure.*

- D11. All footpaths to be constructed as part of the approved development are to be a minimum width of 2.5m.

Reason: *To enhance the safety and security of all pedestrian pathways.*

- D12. No rocks, stones, pebbles or other like objects that can be picked up are to be used in the landscaping areas of the site to minimise the availability of projectiles that can be picked up and thrown at the art gallery building.

Reason: *To increase the safety of the development.*

Tree Removal

- D13. The removal of all trees approved to be removed by this consent must be completed by an appropriately qualified and experienced Arborist in such a way so as to ensure no damage is caused to any surrounding vegetation, buildings or structures on the same or adjoining lots, including any boundary fence. It is recommended that all insurances are checked before works commences.

Reason: *To ensure safe tree removal in a manner that does not adversely impact surrounding trees, buildings or structures.*

E. CONDITIONS THAT REQUIRE MATTERS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN INTERIM AND/OR FINAL OCCUPATION CERTIFICATE

Section 138 Approval

- E1. **Prior to the release of any final Occupation Certificate** the applicant shall obtain a certificate of completion from Council for the works required under section 138 of the Roads Act. Prior to obtaining this certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and a construction certification. The certification shall confirm that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended) or to Council's written satisfaction.

Reason: *To ensure an adequate road network in accordance with adopted standards and to specify requirements for approval under section 138 of the Roads Act.*

Driveway Crossings

- E2. **Prior to the release of any final Occupation Certificate** all disused driveway crossings fronting the development site are to be removed, kerb and gutter reinstated and verge restored in accordance with Council's standards.

Reason: *To prevent unlawful use and obstruction of the adjacent public.*

Utility Services

- E3. **Prior to the issue of any final Occupation Certificate** all utility services including drainage shall be relocated to ensure that all services are located within the respective lots to which they service or alternatively appropriate easements covering encroaching services be created upon the impacted allotments. A plan showing the location of each of these services shall be submitted to Council.

Reason: *To ensure adequate provision of utility services (EPA Act Sec 79C(b))*

Landscaping

- E4. The approved landscaping shall be completed **prior to the release of any final Occupation Certificate** and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: *To ensure that approved landscaping is completed on the site.*

Underground Power

- E5. **Prior to the issue of any final Occupation Certificate** the overhead power lines adjacent to the site in Rural Street are to be located underground in accordance with Council Policy 1.8.5 and the requirements of the electricity infrastructure provider.

Note: *In the event the final design of the electricity infrastructure and associated costs for the under grounding of the electricity identify an unreasonable nexus with the project which impacts the financial viability of the development, the applicant is invited to lodge a Section 96 application to seek the deletion of this condition.*

Reason: *To preserve the environment and existing or likely future amenity of the CBD as per Council Policy.*

Water and Sewer

- E6. **Prior to issue of any final Occupation Certificate** a Certificate of Compliance in accordance with the Plumbing and Drainage Act 2011 shall be issued by the Licensed plumber and submit a Sewerage Service diagram on the NSW Office of Fair Trading pre-formatted template.

Reason: *Required by Clause 15 of the Plumbing and Drainage Act 2011.*

Bicycle Parking

- E7. A visitor parking bicycle rail shall be provided on the south terrace **prior to the issue of any final Occupation Certificate**, as shown on the approved plans, to accommodate a minimum of 6 bicycles. The bicycle rail to be designed in accordance with AS 2890.

Reason: *To promote and provide facilities for alternative forms of transport.*

Flood Evacuation Plan

- E8. A Flood Evacuation Plan, approved in writing by a suitably qualified consultant, for the approved development is to be submitted to Council **prior to the issue of any**

Occupation Certificate. The Flood Evacuation Plan is to include, but not be limited to, the following:

- anticipated time frames to evacuate people from the site once flood warnings have been issued;
- time frames expected from flood warnings being issued to escape roads becoming impassable;
- procedure to ensure all occupants are accounted for and have left the site; and
- a reference to the emergency place of refuge above the 1 in 500 year flood event.

Reason: *To facilitate the safe and timely evacuation of all persons and valuable goods from the approved development in a flood event.*

Regulated Systems- Air Handling

E9. To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) The Building Code of Australia,
- (b) AS 1668 Part 1 & 2,
- (c) The Public Health Act,
- (d) Public Health (Microbial Control) Regulation,
- (e) Work Cover Authority,
- (f) AS 3666 Air Handling and water system of building microbial control:
Part 1 - Design installation and commissioning
Part 2 - Operation and maintenance,
Part 3 - Performance based maintenance of cooling water systems.

An application to register any regulated system installed must be made to Council **prior to commissioning of the system and the issuing of any Occupation Certificate.**

Reason: *To ensure public health is maintained, Statutory requirements for record keeping.*

Asbestos Clearance Certificate

E10. **Prior to issue of any Occupation Certificate** for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the following:-

- The building is free of asbestos; or
- The building has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: *Further details of licensed asbestos waste disposal facilities can be obtained from www.dec.nsw.gov.au*

Reason: *To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants.*

Crime Prevention / Safety and Security

E11. **Prior to the issue of any Occupation Certificate** CCTV is to be installed at the approved premises and is to incorporate recording equipment and cameras that are of a high grade digital quality capable of identification and facial recognition. The CCTV cameras are to cover all areas of risk (both internal and external), particularly the following areas:

- all entrances and exits to the building;
- all areas within the building occupied by the public (excluding toilets); and
- the area within a radius of 25m external to the building.

Visual monitors are to be located on each level of the premises, including the principal entrance of the building, to display clear live security CCTV footage of that area, to the attending patrons.

CCTV recorded footage must be kept for a minimum of 31 days and must be able to be down-loaded and a copy provided to the Police or Council within 12 hours of a request being made.

Note: *Additional lighting is to be installed if required to capture images at night.*

Reason: *To enhance the safety and security of the premises.*

E12. **Prior to the issue of any Occupation Certificate** a fixed digital video surveillance camera is to be located at the principal entrance of the building. Suitable signage is also to be appended at the entrance, alerting visitors that the facility exists and will be utilised if required.

Reason: *To enhance the safety and security of the premises.*

E13. **Prior to the issue of any Occupation Certificate** signage is to be provided in prominent public locations to inform that the premises is under constant surveillance by CCTV.

Reason: *To enhance the safety and security of the premises.*

E14. **Prior to the issue of any Final Occupation Certificate** a monitored alarm system is to be installed at the building to enhance the security of the premises.

Reason: *To enhance the safety and security of the building.*

F. ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Loading and Unloading (Right of Carriageway)

F1. **Prior to lot 14 DP867281 (Art Gallery Site) or lot 11 DP859167 (Frederick's Car Park) being further developed, subdivided or sold** a "Right of Carriageway" pursuant to the Conveyancing Act shall be created over lot 11 DP859167 (Frederick's Car Park) to enable access for delivery/service vehicles to the loading area of the Art Gallery building as shown on the Dominic Finlay Jones Architects P/L drawing titled "Master Plan" Drawing Number CD010 Rev 02 dated 4/7/2016.

Details of the Right of Carriageway are to be submitted to and approved in writing by Council **prior to lot 14 DP867281 (Art Gallery Site) or lot 11 DP859167 (Frederick's Car Park) be further developed, subdivided or sold.**

Reason: *To ensure adequate access to and from the development.*

Vehicular Access to Car Park (Right of Carriageway)

- F2. **Prior to lot 14 DP867281 (Art Gallery Site) or lot 11 DP859167 (Frederick's Car Park) being further developed, subdivided or sold,** a "Right of Carriageway" pursuant to the Conveyancing Act shall be created over lot 11 DP859167 (Frederick's Car Park) for the purpose of providing two way vehicular access for users of lot 14 DP 867281 (Art Gallery land) between Magellan Street and Car Park "C" as shown on the Dominic Finlay Jones Architects P/L drawing titled "Master Plan" Drawing Number CD010 Rev 02 dated 4/7/2016.

Details of the Right of Carriageway are to be submitted to and approved in writing by Council **prior to lot 14 DP867281 (Art Gallery Site) or lot 11 DP859167 (Frederick's Car Park) be further developed, subdivided or sold.**

Reason: *To ensure adequate and legal access to and from the development.*

Flood Evacuation

- F3. The approved Flood Evacuation Plan is to be complied with in every flood event.

Reason: *To facilitate the safe and timely evacuation of all persons and valuable goods from the approved development in a flood event.*

- F4. In accordance with this development consent and in the event of flood waters entering the building, reasonable action shall be taken to minimise damage to machinery, equipment, goods or other property stored in the building upon the land.

Reason: *To ensure adequate protection from frequent flooding.*

Crime Prevention / Safety and Security

- F5. To enhance casual surveillance of the development and eliminate concealment areas, all low level ground covers, shrubs and small plants shall be maintained so as not to exceed 900 millimetres in height and all trees should have canopies with the lower limbs trimmed to a height above two metres from the ground level.

Reason: *To enhance surveillance and increase the safety of the car park, pathways and common areas of the site.*

- F6. Security lighting is to be continually maintained and operated in accordance with AS1158 for the areas outside of the building, including: pedestrian pathways, entrances and common areas.

Reason: *To increase the safety of the car park, pathways and common areas of the site.*

- F7. The approved CCTV, monitored alarm and security card systems are to be operated at all times when the building is operational.

Reason: *To enhance the safety and security of the building.*

Café Location and Seating

- F8. The proposed café component of the approved development is to be confined to the 'bookshop' area of the building and is not to include any café seating within the building.

Reason: *To correctly describe the location of the approved café component.*

Food Preparation

- F9. This consent does not approve any food preparation to occur on the premises, other than the preparation of hot or cold drinks and the heating and/or adding of condiments to food prepared off-site.

Note: *The food activity will be restricted as a P3 classification under Council's Food Safety Program. A P3 classification will enable the sale of tea and coffee and other medium to low risk foods only.*

Note: *Council supports in principle the intensification of the café and the food preparation on-site. Consideration however will need to be given to:*

- the design and fit-out of any proposed food preparation areas in accordance with relevant Australian Standards; and*
- whether further approval is required for the intensification of the café or if it can be done under SEPP (Exempt and Complying Development Codes) 2009.*

Reason: *To correctly identify the approved intensity of the approved café component.*

Hours of Operation

- F10. The operating hours for the approved art gallery development shall be between 6am to 12 midnight, Monday to Sunday.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

Ancillary Use

- F11. The use of the bookshop, café and multi-function room for non-art gallery related functions shall be ancillary to the use of the premises, as an information and education facility (Art Gallery) at all times.

Note: *In understanding, interpreting and applying the 'ancillary use' requirement of this condition, reference is made to the Department of Planning and Environments Planning Circular (PS13-001) on 'How to characterise development'.*

Reason: *To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use.*

Liquid Trade Waste

- F12. No approval to discharge liquid trade waste has been granted with this consent. The discharge of any liquid trade waste must comply with the requirements of the Liquid Trade Waste Regulation Guidelines. If required, the proponents must make application to obtain approval to discharge liquid trade waste. Application and inspection fees in accordance with Council's current schedule of fees and charges are to accompany any application for approval of this type of activity.

Reason: *To comply s68 of the Local Government Act and NSW Office of Water Guidelines for discharge of Liquid Trade Waste.*

Roof and Wall Cladding Materials (Reflectivity)

- F13. Roof and wall cladding materials must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. In the event that a glare nuisance does arise from the use of a material, Council reserves the right to require materials to be treated to address the glare nuisance.

Reason: *To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development*

END OF CONDITIONS

ADVISORY NOTES TO DA 5.2016.111.1

- 1 The erection of the building under the terms and conditions of this Development Consent must not be commenced until detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
(i) The Council; or
(ii) An accredited certifier

Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.
- 2 The building design shall comply with the requirements of the **Building Code of Australia (BCA)**, so as to achieve and maintain acceptable standards of structural efficiency, fire safety, health and amenity for the on-going benefit of the occupants of the building and the community. The following sections of the BCA are required to be addressed and detailed on the plans accompanying the application for a Construction Certificate:
 - **Part C—Fire Resistance;**
 - **Part D1—Provision for Escape**
 - **Part D2—Construction of Exits;**
 - **Part D3—Access for People with a Disability**
 - **Part E1—Fire Fighting Equipment;**
 - **Part E2—Smoke Hazard Management;**
 - **Part E3 – lift;**
 - **Part E4—Emergency Lighting, Exit Signs and Warning Systems;**
 - **Part F2—Sanitary and Other Facilities**
 - **Part J—Energy Efficiency**
- 3 Access is to be provided to the building and to those areas within the building to which the public would normally be expected to gain access in accordance with ***Disability (Access to Premises — Buildings) Standards 2010*** and Australian Standard (AS)1428.1 - Design for Access and Mobility, including the provision of tactile surface indicators in accordance with AS1428.4.
- 4 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority and in this regard all matters relating to this Development Consent are to be completed prior to the issue of the Occupation Certificate.
- 5 The NSW Police Crime Prevention Officer recommends that where possible, the use of Graffiti resistant paint and building materials is to be utilised and that the approved development is managed so as to facilitate the rapid removal of any graffiti that may occur.

- 6 Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:
- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
 - (iv) Relevant approvals must be obtained under the provisions of Section 138 of the Roads Act, 1993 for any works on public roads which are not the subject of this consent.
- 7 The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.
- 8 This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).
- 9 **Dial before you dig** - Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

- 10 If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.