

## DETERMINATION AND STATEMENT OF REASONS

### NORTHERN JOINT REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday, 20 July 2017
<b>PANEL MEMBERS</b>	Garry West (Chair), Pamela Westing, Steve Gow and David Wright
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Steve Barnier and John Truman declared a conflict of interest. While neither was involved in this development application, they both work for Ballina Shire Council. Mr Barnier and Mr Truman have therefore declared an interest to avoid creating a perception of conflicting interests. David Wright made a non-pecuniary declaration that he had not participated in the assessment of the DA or was involved in the financial planning to do with the DA. The Chair having considered Mr Wright's declaration ruled that he could participate in the Panel's deliberations.

Public meeting held at Ballina Kentwell Community Centre on Thursday, 20 July 2017, opened at 3pm and closed at 3.30pm.

#### MATTER DETERMINED

2017NTH008 – Ballina – DA 2017/149 AT Southern Cross Drive, Ballina (AS DESCRIBED IN SCHEDULE 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

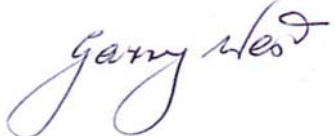

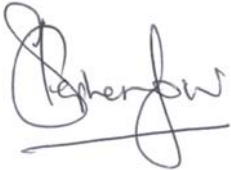
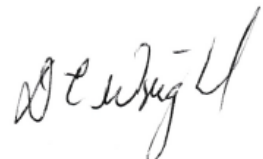
- SEPP 55 – Remediation of Land issues were considered and it is assessed that the subject land is suitable for the proposed development;
- SEPP 71 – Coastal Protection applies to this proposal however only a small section is mapped as a "sensitive coastal location" and the proposed works are physically removed from this location and is therefore considered to have minimal impact;
- The DA was referred to the RMS and who advised they had no objection;
- Car parking and access issues were assessed as acceptable;
- The design of the proposed terminal expansion is considered to make a positive contribution to the surrounding area and will assist in addressing existing operational issues;
- The proposed development is assessed to have minimal negative impacts to the natural and built environments and is therefore considered to be in the public interest.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and as amended at the determination meeting:

- Condition 1 was amended to ensure the roundabout shown on nominated design plans did not form part of this approval;

- Condition 18 was amended to require flood compatible building materials for the new additions to a level up to 2.5 metres AHD;
- Condition 71 was added to require the approved waste storage areas to be adequately maintained to ensure sufficient storage of solid wastes and to prevent stormwater pollution.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	 David Wright

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH008 – Ballina – DA 2017/149
2	PROPOSED DEVELOPMENT	Staged alterations and additions to the Ballina Byron Gateway Airport Terminal Building and Associated Works
3	STREET ADDRESS	Lot 264 DP 1195313 and Lot 7 DP 793980, Southern Cross Drive, Ballina (Ballina Byron Gateway Airport
4	APPLICANT/OWNER	Ardill Payne & Partners on behalf of Ballina Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 71 – Coastal Protection</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Ballina Local Environmental Plan 2012</li> <li>• Ballina Development Control Plan 2012</li> <li>• Southern Cross Master Plan</li> <li>• Clauses 92, 93 and 94 of the Environmental Planning and Assessment Regulation 2000</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: July 2017</li> <li>• Written submissions during public exhibition: nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – None</li> <li>○ Object – None</li> <li>○ On behalf of the applicant – Dwayne Roberts, Town Planner</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing meeting to discuss council's recommendation, Thursday, 20 July 2017, at 2pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry West (Chair), Pamela Westing, Steve Gow and David Wright</li> <li>○ <u>Council assessment staff</u>: Anthony Peters, Senior Town Planner &amp; David Kelly, Infrastructure Planning Manager.</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and amended at the meeting and attached as Schedule 2

SCHEDULE 2	
GENERAL	
1.	Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant including the following design plans:

Design Plans	Reference	Dated
Planit Consulting	Ballina Byron Gateway Airport Landscape Intent Sheets 1 to 4	Undated
Ardill Payne and Partners	Carpark Works Job No. 8020 Drawing No. A1	10 March 2017
Stea Astute Architecture	Site Plan SP A 2-01 (Stage 1) Site Plan SP A 2-01 (Stage 2) Floor Plan SP A 3-01 (Stage 1) Floor Plan SP A 3-01 (Stage 2) Floor Plan Dimensions West End A 4-06 Floor Plan Dimensions East End A 4-07 Section SP A 4-03 Elevations SP A 4-01 Elevations SP A 4-02 Internal Perspective SP A 1-01 Aerial Perspective SP A 1-02 Landside Perspective SP A 1-03 Sectional Perspective SP A 1-04	March 2017 January 2017 March 2017 January 2007 November 2016 November 2016  March 2017 March 2017 March 2017 March 2017 March 2017 March 2017 March 2017

except as modified by any condition in this consent and excluding any reference to or indication of the roundabout as shown on the following approved Design Plan Reference:

- (a) Ballina Byron Gateway Airport Landscape Intent Sheets 1 to 4,
- (b) Carpark Works Job No. 8020 Drawing No. A1; and
- (c) Site Plan SP A 2-01 (Stage 1 and 2).

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 relating to the particular components involved have been complied with, unless alternative arrangements have been made with Council.**

3. BCA compliance

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

4. Compliance with Plumbing & Codes

**All drainage and sanitary plumbing work must be carried out in accordance with the requirements of the NSW Code of Practice Plumbing and Drainage July 2006 and National Plumbing and Drainage Code AS 3500.**

5. Essential services

**The following services and equipment are essential services required by the Building Code of Australia to ensure the safety of persons in the building in the event of an outbreak of fire in the building.**

- Emergency lighting
- Exit signs
- Smoke & heat detectors
- Fire hydrant systems
- Hose reel systems
- Portable fire extinguishers
- Automatic fire detection & alarm systems
- Paths of travel (stairway, ramp & passageway)
- Fire and emergency evacuation plans
- Fire blanket
- Exit latches

6. Demolition

**All demolition shall be carried out in accordance with *AS 2601-1991 Demolition Code* and the *Safe Work NSW Code of Practice for Demolition Work*.**

7. Roof colour

**The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable unless necessary to match the existing roof finishes.**

8. No signs without approval

**No advertising sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the signage is consistent with the provisions of Exempt and Complying Development.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

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

9. Administration/inspection fees

**Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.**

10. Long Service Levy

**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 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.**

11. Section 68 Application

**A Section 68 Application, under the provisions of the Local Government Act, must be submitted to Council for approval prior to the issue of the Construction Certificate. Such application must be accompanied by following to meet all relevant Australian Standards and NSW legislative requirements.**

The Section 68 application is to address, but not be limited to the following matters:

**(a) Hydraulic plans, specifications and design prepared by a qualified practising hydraulics consultant for the;**

- Water supply
- Drainage – Sewerage
- Drainage – Stormwater
- Trade waste

12. Civil works

Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for civil works required by this consent. These drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Roads & Maritime Services where specified.

- (a) Road pavement - At the developer's expense the pavement profile for all new access ways shall consist of at least 300 mm compacted thickness of roadbase quality material plus a minimum 25mm asphalt wearing surface. 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. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.**
- (b) Shared path - The provision of a concrete path a minimum of 2.0 metres wide from the terminal building to the entry road roundabout. The path is to be designed and constructed in accordance with Standard Drawing R07 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.**

13. Car parking & vehicular access

The development shall provide 560 parking spaces on-site. The design of all car parking and vehicular accesses are 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 the Principal Certifying Authority prior to issue of the Construction Certificate.

14. Car parking for disabled

The design of all disabled car parking spaces is to be in accordance with Australian Standard AS/NZS 2890.6: 2009. A minimum of five parking spaces closest to the terminal building entrance/exit are to be provided. All parking spaces for people with disabilities shall be covered by a waterproof roof or awning. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

15. Bicycle Racks

A bicycle rack, compliant with AS2890.3, capable of supporting a minimum of six bicycles is to be provided. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate

16. Vehicle Management Plan

Prior to the issue of the Construction Certificate, the applicant shall be required to submit a Vehicle Management Plan for vehicles servicing the site. The plan must be in accordance with AS2890.2 and include the following minimum requirements:

- (a) The maximum size of vehicles servicing the site.**
- (b) The location of service vehicle delivery parking and loading/unloading zones**
- (c) The service vehicle travel path through the site and associated swept path analysis.**

17. Flooding and Stormwater

Stormwater controls shall be provided on site in accordance with the Water Sensitive Design requirements of Council's Combined Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A Stormwater Management Plan and detailed design, prepared by a suitably qualified hydraulics consultant and/or Engineer, must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

18. Flooding

The building must have flood compatible building materials for the new additions to a level up to 2.5 metres AHD and a minimum proposed floor level of 2.20 metres AHD.

The car park area can grade away from the building and the stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

19. Sewer Connection (standard)

The development shall be connected to Council's sewer system in accordance with the Northern Rivers Local Government Development Design & Construction Manuals. Upgrades or modifications to the existing sewer pump station shall be at the developer's expense. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

20. Water backflow prevention (Industrial & Commercial refurbishments)

The sites containment backflow prevention shall be to current standards as per AS/NZS 3500 and Councils Backflow Prevention Policy. 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. Water connections not required to service this development must be disconnected in accordance with Council requirements.

Testable backflow devices will be required to be tested and certified annually by a suitably qualified NSW licensed plumber and the annual certificate submitted to Council.

21. Disabled Access/Facilities

A comprehensive access review is to be undertaken by an Accredited Access Consultant/Building Certifier and provided to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The access review is to have regard for the matters contained within Schedule 2 (attached).

22. Plans and specifications showing details of layout and construction of the food premises (café, kitchen, bar and coffee cart), 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.

23. Adequate provision must be made on site for the storage and disposal of solid waste from the development. This must include sufficient storage for recyclables and other waste material. The waste storage area must be located so it does not pollute stormwater.

24. Details of the location and method of storing and disposing of solid wastes must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate.

25. The handling and disposal of solid waste must comply with the requirements of Part 3.7 Chapter 2 of Council's Development Control Plan.

26. Developer Contributions

Prior to issue of a Construction Certificate where building work is proposed, 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:

<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Cumbalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan 2015	24 September 2015
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution 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](#)).

27. Developer Charges

Prior to issue of a Construction Certificate where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2000. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

<b>Water Supply Authority</b>	<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the 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).

It should be noted that Ballina Shire Council acts as Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 1 ([attached](#)).



PRIOR TO CONSTRUCTION WORK COMMENCING

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

28. Construction Certificate

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

29. Notice of Commencement and Appointment of Principal Certifying Authority

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- (a) Written notification of the name and details of the Principal Certifying Authority (PCA); and
- (b) The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two (2) days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

30. Erection of Signs

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

31. 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.

32. Builder's toilet

A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

33. Notice of commencement of civil works

Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

34. Traffic control

All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

35. Trade Waste/Water Supply

The applicant shall submit a Section 68 application along with hydraulic plans of all plumbing work and the Trade Waste report for proposed works and be issued with a Section 68 approval prior to undertaking taking any work.

DURING CONSTRUCTION

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

36. All works must be carried out in accordance with the approved Acid Sulfate Soil Management Plan prepared by Ardill Payne and Partners, dated March 2017.

37. Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminates such as oils and fuel spills.

38. Toilet facilities to which food handlers have access must have hand washing facilities that are:

- a) immediately adjacent to the toilet cubicle;
- b) connected to a potable supply of warm running water dispensed from a single spout or mixer set;
- c) of a size that allows easy and effective hand washing; and;
- d) provided with a waste paper bin adjacent to the hand washing facilities.

39. The café, kitchen and bar, and coffee cart must have hand washing facilities that are:

- a) located where they can be easily accessed by food handlers and so that they need not travel more than 5 metres from any place where exposed food is handled;
- b) connected to a supply of warm running potable water dispensed from a single spout or mixer set;
- c) of a size that allows easy and effective hand washing; and
- d) clearly designated for the sole purpose of washing hands, arms and face.

40. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

41. 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* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

42. 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. These are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:

- (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 being backfilled as soon as practical
- (c) Downpipes being connected as soon as practical or the use of temporary downpipes

- (d) Buffer vegetation zones being 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.

43. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

44. When necessary dust control measures such as wetting down, covering stockpiles and physical barriers shall be used to control and prevent a dust nuisance to surrounding properties. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.

45. All waste arising from the construction and demolition activities must be removed and transported in accordance with the requirements of NSW EPA and Safework NSW pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997;
- (b) Protection of the Environment Operations (Waste) Regulation 2014;
- (c) Waste Avoidance and Resource Recovery Act 2001;
- (d) New South Wales Work Health & Safety Act 2011; and
- (e) The Work Health & Safety Regulation 2011.

46. Civil Works

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

47. Traffic Control

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

48. Damage to Council infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 6686 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

49. Finished Floor Height

The finished floor height of the building extension is to be constructed at the same level as the existing floor level of the building.

50. Trade Waste

The following trade waste measures must be suitably provided:

- (a) All food prep sinks, cleaner sinks and tubs associated with the approved food and trade waste activities including coffee areas, bar, and food preparation areas shall be fitted with commercial grade basket arrestors.
- (b) Any new floor wastes required shall be fitted with dry bucket traps.
- (c) All sanitary pipe work within the premises associated with the approved activities other than hand wash and water closet drainage shall be trade waste rated materials.

- (d) If an existing bin area is not on site, then a commercial bin area shall be provided. The bin area as a minimum shall be roofed, bunded and be fitted with a dry basket sump that flows to a suitably sized Grease Trap (GT min 500L) prior to discharging to sewer.
- (e) The bin area shall be sited so that it does not pose any odor issues to patrons and users of the premises and neighbours, and shall be adequately sized to accommodate commercial bins.
- (f) Other trade waste activities that generate trade waste discharge to sewer shall not be established in or undertaken from within any of the industrial units or from the premises during or after completion unless approved by Council.
- (g) All designs associated with trade waste and water supply work on the property shall be in accordance with:
  - (i) the manufactures requirements,
  - (ii) *Work Cover NSW & Work Safe Australia*,
  - (iii) *The Australian Plumbing Code*
  - (iv) *The Department of Primary Industries (DPI Water) formerly known as NSW Office of Water (NOW) Trade Waste Regulation Guidelines.*
  - (v) *Council's Water Meter Policy*
  - (vi) *Council's Backflow Prevention Policy*
  - (vii) Any other relevant industry codes of practices

51. Water Supply

The following water supply measures must be suitably provided:

- (a) If not already in place the water service supplying the property shall be fitted with a suitable Backflow Prevention Devices ("the device") at the owners' expense at the Council water meter. Installation shall be by a qualified NSW licensed plumber. The Device shall be as a minimum a Reduced Pressure Zone Device (RPZD).
- (b) If not already installed Council sub meters shall be provided to individually areas within the property as well as any separate common areas as required.
- (c) All areas shall be fitted with suitable backflow prevention devices as Zone protection for users within the property and for the safety and integrity of patrons of this approved activity in accordance with ASNZS 3500, and Councils Backflow Prevention Policy 2011.
- (d) The plumber shall check ASNZS 3500, and if required fit other suitable Zone or Fixture backflow prevention devices within the property if required. These backflow prevention devices are to address the risk associated with the activity within the property, in accordance with ASNZS 3500, and Councils Backflow Prevention Policy 2011.
- (e) To comply with Council's water meter policy all water meters on the property shall be fitted with Councils *Taggle* remote read metering system. The applicant must make an application to Council for an estimate of costs on the applicable water service application form. A site plan showing the sub meter plumbing details must be submitted with this application.
- (f) Sub meters must be installed above ground, in a suitable location to permit future access, so as not to attenuate signal transmission and to allow for maintenance in accordance with Council's *Water Meter Policy*. The applicant's plumber is responsible for installing all sub meters and associated taggle transmitters to each sub meter.
- (g) All the devices shall be installed by a suitably competent and qualified NSW licensed plumber ("the plumber") who holds a *NSW TAFE Backflow Prevention Accreditation* or equivalent.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

*Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.*

52. Occupation Certificate

**The new parts of the building are not to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.**

53. **A final inspection of the food premises fit-out by Council's Environmental Health Officer is to be conducted and the appropriate professional services fee is to be paid prior to the issuing of an Occupation Certificate.**

54. **Trading must not commence until the premise has been inspected and approved by Council's Environmental Health Officer and an application has been made to Council to register the business on Council's "Commercial Premises Register" and the appropriate fee paid.**

55. Exhaust Hood

**A certificate of compliance is to be submitted to the Principal Certifying Authority (PCA) prior to the commencement of trading, that the filtered hood and air extraction system has been installed and operated in accordance with Australian Standard 1668 Parts 1 and 2.**

56. **Written evidence shall be provided to Council's Environmental Health Officer that a pest control program has been implemented throughout the premises prior to the introduction of foods into the premises.**

57. Civil works

**All civil works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, 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 and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified.**

58. Car parking (standard)

**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.**

59. Car parking (disabled)

**The construction of all disabled car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS /NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.**

60. Stormwater

**Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.**

61. Water and Sewer

**The applicant shall be responsible for completing all water supply and sewer works in accordance with the approved Construction Plans and the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.**

62. Works as executed (asset listing)

Prior to the release of the Occupation Certificate and in connection with the 'Works-as Executed' drawings the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

63. Works as executed (drawings)

Prior to the issue of the Occupation Certificate. The applicant shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All AutoCAD data is to be on MGA zone 56 coordinates and AHD for levels with separate layouts within the drawing for roads, water, sewer and stormwater drainage. Separate PDF drawings shall be provided for roads, water, sewer and stormwater drainage. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

64. Disabled Access/Facilities

An Accredited Access Consultant/Building Certifier is to provide certification that the matters identified as part of the Construction Certificate access review have been satisfactory completed prior to the issue of the Occupation Certificate.

65. Water Supply

The devices shall be commissioned, certified and certification submitted to Council on the applicable backflow registration form along with the associated fee (\$85.00) by the plumber prior to the issue of the Occupation Certificate.

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.*

66. Fire safety statement

The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to have been designed, installed and capable of operating to the minimum standard required by the Fire Safety Schedule. A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.

67. If liquid contaminants and other possible pollutants are stored on site they shall be stored within an impermeable bunded and roofed on site storage area. Where applicable the bunded area must comply with AS 1940-2004 'The Storage and Handling of Flammable and Combustible Liquids' and AS 4452-1997 'The Storage and Handling of Toxic Substances'. If on site liquid storage is provided clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils and chemical spills.

68. In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of section 148 of the Protection of the Environment Operations Act 1997.

69. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act, 1997. Offensive Noise means noise:

1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;
  - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted;
  - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

70. Amenities, including toilets, shall be provided in accordance with the requirements of Managing the Work Environment and Facilities Code of Practice (Safe Work Australia, 2011).
71. The approved waste storage areas must be adequately maintained to ensure sufficient storage of solid wastes and to prevent stormwater pollution.

#### 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 2012 and 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:

- (a) it does not cover all developments that are subject to the provisions of the DDA;
- (b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
- (c) 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. Smoke-free

As required by the *Smoke-free Environment Act 2000* smoking is banned within 4 metres of the pedestrian entrance or exit of the building used for non-residential purposes. ‘No smoking’ signage is recommended to support public awareness of the smoking ban. On the spot fines may be issued to those who do not comply with the 4 metre requirement.

##### 3. 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.

##### 4. 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.

##### 5. WorkCover Requirements

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

**6. 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 1999, the Local Government (Water Services) Regulation 1999.**

**Note**

**As required by the *Smoke-free Environment Act 2000* smoking is banned within 4 metres of the pedestrian entrance or exit of the building used for non-residential purposes. 'No smoking' signage is recommended to support public awareness of the smoking ban. On the spot fines may be issued to those who do not comply with the 4 metre requirement.**

**Advisory Note:**

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

The information relating to your property is to be obtained prior to any works commencing.

**SCHEDULE 1**

<b>Contribution</b>	<b>Receipt Code</b>	<b>Contribution Unit</b>	<b>Rate per contribution Unit</b>	<b>Total Contribution Units Payable</b>	<b>TOTAL COST</b>
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,593.00	1.9845	\$23,006.31
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$174.00	1.9845	\$345.30
North Ballina Wastewater Services (DSP Area B)	3008	equivalent tenement	\$4,929.00	5.2000	\$25,630.80
North Ballina Water Supply (DSP Area B)	2008	equivalent tenement	\$3,221.00	3.2000	\$10,307.20
Rous Water 2016	5001	equivalent tenement	\$8,256.00	3.2000	\$26,419.20
<b>TOTAL</b>	<b>\$85,708.81</b>				



## SCHEDULE 2

Item	Comment	Relevant standard
Designated Accessible Parking Bays (DAPB)	The reviewed plans do not identify the proposed location of the DAPB. It is recommended that the DAPB be located as close as possible to the principle entrance and comply with requirements of the appropriate standards.	<b>AS 2890.6 -2009</b> <b>APS table D3.5 DP8</b> <b>Ballina Shire DCP</b>
A Continuous Accessible Path of Travel (CAPT)	<p>A CAPT incorporating slip resistant surface should be provided from the DAPB to and through the facility.</p> <p>A CAPT should also be provided from the set down drop off area, the Taxi stand and the bus parking bays.</p> <p><b>Please note</b> that all these areas will need to incorporate an appropriate kerb that will enable a person who uses a mobility aid to gain access to the CAPT.</p>	<b>APS- D3.2</b> <b>AS 1428.1 CI 6</b> <b>AS 1428.2 CI 7</b> <b>AS 1428.1 CI 10.7</b>
Principle Pedestrian Entrance (PPE)	The PPE should provide wide, level, step free access for use by all people. An accessible entry should not incorporate any steps, stairs or turnstiles.	<b>AS 1428.1 CI 6</b> <b>AS 1428.2 CI 28</b> <b>APS D3.2</b>
Tactile Ground Surface Indicators (TGSI)	TGSI should be applied in accordance with the standards.	<b>AS 1428.4.1</b>
Floor and Ground Surfaces	Firm, slip resistant floor and ground surfaces are required to and through the terminal. Any grades /cross falls are to be in accordance with standards.	<b>AS 1428.1 CI 7</b>
Tables/Seating	There should be sufficient circulation space around the tables that would allow a person using a mobility aid to move around the tables in the café and bar areas.	<b>AS 1428.1 CI 6</b> <b>APS - 2.2 (4)</b>

Counters –checking, café, bar and future retail establishments.	The counters need to be accessible to people who use mobility aids such as a wheelchairs	<b>AS 1428.2 Cl 24</b>
Hearing loops	<p>A hearing augmentation system needs to be provided in a space where a sound amplification system has been installed.</p> <p>Hearing loops are to be installed wherever there is an inbuilt amplification system installed within the terminal building.</p>	<p><b>AS 1428.5 -3</b></p> <p><b>BCA Vol. 1, Clause D3.7</b></p>
Fixtures	<p>All Fixtures such as</p> <ul style="list-style-type: none"> <li>• GPO's</li> <li>• water fountains</li> <li>• Rubbish bins</li> <li>• Tap handles</li> <li>• Door handles</li> </ul> <p>Will need to comply with relevant standards</p>	<b>AS 1428.1 Cl 13.5, 14.1, 15.1</b>
Signage	<p>The proper usage of appropriate signage that is clear, concise, and easy to read and displays the blue international symbol of access will assist people who have vision and hearing impairment to find their way around the terminal.</p> <p>Install unisex accessible toilet signage that incorporates raised tactile components, the international symbol of access separate male and female symbols. Ensure sign is located at a height between 1200-1600mm high on the latch side of the doorway.</p>	<p><b>AS 1428.1 Amdt. Cl 8.1/8.2</b></p> <p><b>APS – DP1 (b)</b></p> <p><b>AS 1428.1- 2001 Cl. 10.9/14.2</b></p>
Unisex Accessible toilets	The two proposed Unisex Accessible toilets will need to comply fully with the relevant standard.	<b>AS 1428.1 Cl 15</b>
Interview/screening rooms	Doorways that lead into the rooms adjacent to the security screening area will need to comply with standards.	<b>AS 1428.1 Cl 13.2</b>

Internal Access ways	Passageways are to be kept clear of obstructions such as garbage bins, bollards or display stands	<b>AS1428.1 CI 6.3</b>
Luminous contrast	All doorways will need to have a minimum luminance contrast of 30%.	<b>AS 1428.1 CL 13.1</b>
Glass walls and doorways	A solid contrasting strip is required across fully glazed doors, sidelights, and other glazing that may be mistaken for a doorway.	<b>AS 1428.1 CL 6.6</b>
Emergency warning systems	Warning systems should include both audible and visual alarms	AS 1428.2 CL 18.2

**The consent shall lapse on 20 July 2022 unless the development has commenced in accordance with the provisions of section 95 of the Act.**

**Other Approvals:**      **The following approval bodies have given general terms of approval in relation to the development:**

N/A

**NB. The General Terms of Approval of these approval bodies have been incorporated within the Determination Notice.**

**Note:**                      **The Planning Assessment Commission has not conducted a public hearing in respect of the application.**