

GENERAL

1. Approved Plans

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
CNN Architects Pty Ltd	P1624 DA-02 N	Site/Ground Floor Plan	15-03-2018
CNN Architects Pty Ltd	P1624 DA-06 G	Roof Plan	20-12-2017
CNN Architects Pty Ltd	P1624 DA-07 F	Elevations North	20-12-2017
CNN Architects Pty Ltd	P1624 DA-08 G	Elevations South	20-12-2017
CNN Architects Pty Ltd	P1624 DA-09 F	Elevations East	20-12-2017
CNN Architects Pty Ltd	P1624 DA-10 F	Elevations West	20-12-2017
CNN Architects Pty Ltd	P1624 DA-13 E	Signage Details	3-05-2017
Geo Link environmental management and design	1675/DA1	Development Application Landscape Layout	01/06/17
Geo Link environmental management and design	1675/DA2	Development Application Landscape Species	01/06/17

except as modified by any condition in this consent.

2. No Signs Without Approval

No additional advertising sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

3. No Inappropriate Signs

The approved signs shall not incorporate any moving parts or flashing lights. If illuminated, the signs are not to be objectionably glaring, luminous or incorporate a variation in the intensity of the illumination or a change in colour.

4. Discovery of Aboriginal Relics

Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the operator shall immediately notify the Office of Environment & Heritage (OEH) and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from the OEH is obtained for the destruction, removal or protection thereof and the quarry operator has complied with the direction of the OEH in that respect.

5. Building to comply with BCA

All aspects of the building design shall comply with the performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural efficiency, safety, health, and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions,
- (b) formulating an alternative solution which:
 - (i) complies with the performance requirements, or

- (ii) is shown to be at least equivalent to the deemed to satisfy provision.
- (c) combination of (a) and (b).

Details are to be included with the plans and specification accompanying a Construction Certificate application.

6. Food or Skin Penetration Premises

A separate approval is required for any future fit out of a commercial premises used for food or skin penetration businesses.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building/ Civil)

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.

7. Issue of construction certificate

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

- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The Council; or
 - (ii) An accredited certifier; and
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority has notified the Council (if Council is not the principal certifying authority) of the appointment; and
- (c) The person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building.

8. Construction management plan

A Construction Management Plan shall be submitted to and be approved by the Principal Certifying Authority (PCA). The Plan shall address, but not be limited to, the following matters where relevant:

- Hours of construction/work
- Contact details of site manager, including a 24 hour contact telephone number
- Complaints register
- The location of existing services
- Traffic management (vehicles, pedestrians and cyclists)
- Noise, dust and vibration management;
- Soil & water management (including erosion and sediment control)
- Materials storage and waste management
- Restoration of damage to public assets.

9. Civil works

Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for the following 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.

- **Access Driveways and Associated Modifications to Hutley Drive, Snapper Drive, Bus Stops, Kerb and Gutter, Linemarking, Footpaths and Verges**

At the developer's expense works required for access driveways and associated modifications to Hutley Drive, Snapper Drive, bus stops, kerb and gutter, medians, linemarking, footpaths and verges are to be provided in general accordance with Newton Denny Chappelle plans 14351-SHO-INT-01 Shopping Centre Access Plan, Sheet 1 Rev A and Sheet 2 Rev A dated 19 December 2017 (CM Ref: 17/103856 and 17/103859). The works shall include but not be limited to:

- a. Construction of minimum 7.5 m wide vehicle entry/exits access on Snapper Drive and Hutley Drive in general accordance with the configuration in Plan "CCN Lennox Neighbourhood Centre Site/Ground Floor Plan – P1624 DA-02 M" dated 20/12/2017 (CM Ref: 18/6912). The height of adjacent walls at the entrance is to be limited to provide 2.5m x 2.5m sight triangles.
- b. Construction on Snapper Drive of minimum 7.6m wide and 11.2m wide service vehicle entry/exits with 24 m separation as per the above plan. The height of adjacent walls at the entrance is to be limited to provide 2.5m x 2.5m sight triangles.
- c. Construction of associated kerb returns, pedestrian kerb ramps and making good existing footpaths, paving and surfaces associated with all entry/exits.
- d. Construction of connecting pedestrian site entries on Outrigger Road, Hutley Drive and Snapper Drive.
- e. Provision of the following turn treatments for the vehicle accesses Hutley Drive: Right Turn – Short channelised right turn treatment CHR(s), Left Turn – Basic left turn treatment BAL. Snapper Drive (Previously Main St): Right Turn - Short channelised right turn treatment CHR(s), Left Turn – Basic left turn treatment BAL, generally in accordance with NDC plans 14351-SHO-INT-01 & 14351-SHO-INT-02.
- f. Provision of concrete medians and linemarking associated with above turn treatments
- g. Removal of kerb extensions south of shopping centre access and provision of pedestrian refuge in median on Hutley Drive. Make good pavement of Hutley Drive.
- h. Provision of pedestrian refuge in median of Hutley Drive north of shopping centre access.
- i. Demolish existing kerb and gutter and replace to provide new bus bays for northbound and southbound traffic in Hutley Drive. Make good or extend road pavement as required.
- j. Extend concrete footpath on west side of Hutley Drive to new bus bay.
- k. Demolish and replace existing kerb and gutter where required.
- l. Provide all necessary signage and linemarking and make good any damage to existing road pavements, kerb and gutter, footpaths and associated infrastructure.

- **Footpath and gutter crossing**

The developer is to provide a footpath and gutter crossing for the development. Details are to be in accordance with Standard Drawing R05 and R06 of 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.

10. Car parking & vehicular access

The development shall provide 277 parking spaces on-site. The design of all car parking, aisles 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.

11. Car parking for disabled

Eight, roofed disabled car parking spaces are to be provided within the vicinity of the main shopping centre and an additional accessible space shall be provided within close proximity to the entrance to Shop 5. The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. 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.

12. Bicycle Racks

Bicycle racks, compliant with AS2890.3, capable of supporting a minimum 16 bicycles are to be provided. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate

13. 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:

- The maximum size of vehicles servicing the site.
- The service vehicle travel path through the site and associated swept path analysis.
- Restrictions on the hours vehicles can service the development.
- A traffic management plan to delineate and close part or all off the eastern parking aisle adjacent to service bay area during deliveries and waste collection activities at the site.
- Consideration of other services such as waste management, gas bottle storage/services etc.

14. Stormwater management plan

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and in general accordance with the site stormwater management proposals by Newton Denny Chapelle in Attachment 4 to the development application (Engineering Services Report).

Stormwater is to be conveyed to existing underground stormwater pipe connections provided in Hutley Drive and Snapper Drive. Kerb inlets in public roads are not permitted for site discharge of stormwater.

Stormwater attenuation is to be provided by a 220 m³ underground tank on Catchment B with outlet controls to restrict discharge from Catchment B to the rates shown in Table 7-6 of the Engineering Services Report (CM Ref: 17/68674).

A Humeguard or equivalent approved Gross Pollution Trap (GPT) is to treat stormwater quality from Catchment B. The GPT is to be sized in accordance with the manufacture's specifications and is to be capable of treating as a minimum, 50% of the design flow from an ARI one year storm event in the catchment.

15. Water meters

Each tenancy is to be fitted with a water meter of a minimum size of 20mm depending on the nature and size of the development. Prior to the issue of the Construction Certificate, the applicant is required to submit an "Application for a Water Service" to Council, along with a site plan clearly showing the location of the required meter/s.

For multiple tenancy developments where it is impractical for separate metering to be provided at the boundary due to the number of meters required or the logistics of the installation, Council shall require installation of remote read meters. This includes a master meter, repeater and sub meters on each tenancy.

The repeater shall be housed in an IP 68 rated weather proof enclosure with a GPO inside. The enclosure shall be located adjacent to the properties electrical power board. All sub meters and components of the remote metering system shall be installed by the applicant's plumbers in accordance with Council's Water Metering Policy.

16. Section 68 Application

Prior to issue of a Construction Certificate, an application is to be lodged with Council under Section 68 of the Local Government Act 1993 for all water, sewer, stormwater and any proposed fire service installations. Hydraulic details of all water, sewer, stormwater and fire service installations are to be submitted to Council and approved prior to the issue of a Construction Certificate. The plans are to be designed in accordance with AS3500 and NSW Code of Practice and other relevant Australian Standards regarding any essential fire services.

17. Water connection (dual reticulation)

The proponent shall be responsible for the design and construction of a dual water supply system for both drinking water and recycled water to the Services Centre complying with Ballina Shire Council's Dual Water supply Plumbing Policy.

18. Water meter Hydraulic Designs – If the development includes a Fire Service Assembly or More Than 3 Tennancies or 32 mm Assemblies or Greater

The applicant is required to submit to Council a hydraulic design detailing the sites connection to the reticulated main including the required water meter size and backflow prevention in accordance with AS 3500 and Council's 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.

19. Civil Inspection Fee, Section 138 Approval Fee & Construction Bond

Prior to the issue of a Construction Certificate, a Section 138 application is to be made for works in the road reserve as well as the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Councils schedule of Fees and Charges for the current rates:

- Section 138 Fee
- Civil Inspection Fee
- Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000)

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

20. Asset listing

Prior to the submission of the Construction Certificate application an electronic listing of all public road, stormwater, water and sewer assets generated by the development shall be submitted to Council via the Asset Spreadsheet (available on Council's website). The asset spreadsheet is used to generate a Construction Certificate Fees and

Charges quote which is payable on submission of the Construction Certificate application.

- 21.** A Trade Waste report prepared by a suitably competent and qualified consultant shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The report shall address all proposed tenancies and associated commercial activities within the development that are classified as Trade Waste activities in accordance with the *NSW Trade Waste Regulation Guidelines 2009*.

- The Trade Waste report shall address, but not be limited to, the following matters where relevant:
 - All propose or potential *Classification A, B, & C* Trade Waste activities/business within the development
 - Pre-treatment systems
 - Garbage bin areas
 - Food premises discharge
 - Storage of cleaning products and chemicals onsite
 - Shopping centre mixed business discharges, (bakery, deli, etc.)
 - Medical activities
 - Hairdressing/Beautician activities
 - All Proposed Trade Waste pre-treatment
 - Trade Waste rated materials
 - Cleaners sinks
 - All food prep sinks and floor waste in bar and commercial food prep areas; kitchens and the like will require bucket traps to both sink wastes and floor wastes.

22. Hydraulic Plans

Hydraulic plans shall be submitted to Council to address all plumbing, including but not limited to the following:

a. Trade Waste

- All food prep sinks, cleaner sinks and tubs associated with the approved food & Trade Waste activities including coffee areas, bar, cafe and food prep areas shall be fitted with commercial grade basket arrestors.
- Floor wastes in Trade Waste areas shall be fitted with dry bucket traps.
- All Trade Waste sanitary pipe work within the premises associated with the approved activities other than hand wash and WC drainage shall be trade waste rated materials.
- 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 prior to discharging to sewer.
- 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 all commercial bins.

b. Water supply

- Individual metering of shops is required. **Please note:** Meters and sub meters for both drinking water and recycled water are required and must be accessible, and are not permitted in roof spaces or under cupboards.
- Recycled water is provided to the site and must be utilised within the development for approved activities consistent with *Council's Dual Water*

Supply Plumbing Policy. **Please note:** Meters and sub meters must be accessible and are not permitted in roof spaces or under cupboards.

- All drinking water and recycled water meters shall be supplied by Council & fitted with Councils remote metering system (Taggle) at the property owner's expense.
- The applicant must make an application to Council for an estimate of costs on the applicable water service application form. A site plan showing all meter locations including sub meter plumbing details must be submitted with this application.
- 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.
- All the devices shall be installed by a suitably competent and qualified NSW licensed plumber who holds a NSW TAFE Backflow Prevention Accreditation or equivalent.
- The devices shall be commissioned, certified and certification submitted to Council on the applicable backflow registration form along with the associated fee (\$87.00) by the plumber prior to an Occupation Certificate being issued.

c. Backflow prevention

- Drinking water and recycled water supplies must be assessed and adequate backflow prevention must be installed for the following:
 - Containment protection
 - Zone protection &
 - Individual fixture protection

d. Fire services

- Firefighting water supply shall be in accordance with the relevant standards, codes, and Council requirements.
- A water pressure certificate must be applied for from Council for design purposes

e. Sewer/sanitary drainage

- All sanitary pipe work within the premises associated with the approved activities other than hand wash and WC drainage shall be trade waste rated materials.

f. Stormwater

- Stormwater design must be in accordance with the relevant standards, codes, and Councils requirements

23. Trade Waste

All designs associated with Trade Waste and water supply work on the property shall be in accordance with:

- a. The manufactures requirements,
- b. Work Cover NSW & Work Safe Australia,
- c. The Australian Plumbing Code
- d. Australian Standards
- e. The Department of Primary Industries (DPI Water) formerly known as NSW Office of Water (NOW) Trade Waste Regulation Guidelines.
- f. Council's Water Meter Policy

- g. Council's Backflow Prevention Policy
- h. Any other relevant industry codes of practices

It is recommended that the applicant gives consideration for future Trade Waste businesses/activities and the potential for Trade Waste connections for individual shops to accommodate future Trade Waste dischargers.

24. Trade Waste

A trade waste application; *Classification C* shall be submitted to Council. The application must be accompanied by all necessary information including but not limited to the following:

- a. All information as required under *Sec 4.2.1 of the NSW Liquid Trade Waste Regulation Guidelines 2009*
- b. Plans showing all Trade Waste premises and activities along with all associated Trade Waste pre-treatment systems and pipe work.
- c. Material Safety Data Sheets for all substances
- d. Maintenance schedule for all pre-treatment devices
- e. The approved Trade Waste report

25. Site Waste Minimisation and Management Plan

The construction waste component of the Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate in accordance with the requirements of Council's DCP 2012 Chapter 2 section 3.7.3.

26. Waste Disposal Area

The waste disposal areas are to be screened, covered, graded, bunded and drained to the sewer via a Council approved pre-treatment device. Drainage details are to be incorporated into the hydraulic plans and are required to be submitted to and approved by Council prior to the release of the Construction Certificate.

27. Water Efficiency

The following water efficiency features shall be installed in the shopping centre:

- AAA minimum rated taps and appliances;
- Dual flush toilets (six litres or less for a flush and three litres or less for a half flush); and
- Sensor operated taps, or automatic shut-off taps.

28. Energy Efficiency

The following energy efficiency features shall be installed in the shopping centre:

- Compliance with the Building Code of Australia Class 5 to 9 energy efficiency provisions;
- Mechanical space heating and cooling shall be designed to target only those spaces which require heating or cooling, not the whole building; and
- Development is to be designed to reduce reliance on artificial lighting.

29. Acoustic Measures

Identified acoustic construction measures, as specified in recommendations of Environmental Noise Impact Assessment dated 27 February 2017 prepared by CRG Acoustics (CM Ref: 17/68693), shall be incorporated into the final construction plans.

30. Acoustic Measures

The acoustic consultant is to provide certification to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate, that the recommended

acoustic treatments have been incorporated into the construction plan. Refer to Condition 29.

31. Acoustic Measures

The design and location of all external plant and equipment, noise level emissions and if required, design of noise control measures are to be submitted to and approved by Council prior to the release of the Construction Certificate. Consideration should be had for the noise levels specified in the Environmental Noise Impact Report prepared by CRG Acoustics dated 27 February 2017 (CM Ref: 17/68693).

32. Trolley Management

An effective trolley loss prevention strategy shall be implemented at the site, details to be submitted to and approved by Council prior to the issue of the Construction Certificate.

33. 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:

Contribution Plan/Development Servicing Plan	Adopted
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.

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

34. 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:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
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.

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**).

35. Public Art

Prior to the issue of a Construction Certificate, payment shall be made to Council of a non-refundable monetary contribution to the value of \$15,000 for the provision of public art in a public place in accordance with Chapter 3, Clause 3.16 of the Ballina DCP 2012.

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.

36. 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:

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

The above information is to be submitted at least two 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).

37. Erection of Signs

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.

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.

38. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) which has been which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.

39. Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

40. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

41. The Proponent shall ensure that the 24 hour contact telephone number of the site manager is continually attended by a person with authority over the works.

42. Contamination

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.

43. Construction Management Plan

The approved construction management plan shall be implemented during the construction phase of the development.

44. Construction Waste

The export of waste (including fill or soil) from the site must be in accordance with:

- a) the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
- b) current Resource Recovery Orders and Exemptions.

45. Soil Erosion and Sediment Control

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

46. Sediment and Waste Materials

The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the *Protection of the Environment Operations Act 1997*.

47. Dust Control

If 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.

48. Construction Guidelines

All work, including demolition, excavation and building work must generally 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).

49. Acid Sulphate Soils

Any Acid Sulphate Soils disturbed during construction shall be managed appropriately on site. The subject soil should be tested for the presence of Acid Sulphate Soils and treated accordingly.

50. Imported fill material

The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

51. Dewatering

If dewatering is required a management plan for all dewatering activities on site shall be submitted to and be approved by the Principal Certifying Authority (PCA) prior to the release of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed. Prior to the release of any water extracted during dewatering operations the test results and interpretation of results are to be submitted to and approved by Council. Note: Dewatering activities may require a license issued by the NSW Office of Water.

52. Water

Arrangements must be made with Council for the supply of metered water for construction use from Councils reticulated water supplies. Unmetered water must not be accessed or used during construction.

53. Inspection (road and drainage)

Inspection and approval of the road and drainage works approved within the road reserve 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 700 mm and replace with approved sand fill.

54. 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.

55. Excavation on public land

All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.

56. Equipment storage

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

57. Heritage Items

If Aboriginal cultural objects are uncovered due to the construction activities, all works shall halt in the immediate area to prevent any further impacts to the find or finds. A qualified archaeologist and Aboriginal community representatives shall be contacted to determine the significance of the find(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS; managed by the Office of Environment and Heritage) and the management outcome for the site included in the information provided to the AHIMS. Aboriginal Community representatives shall be consulted in developing and implementing management strategies for all sites, with all necessary information required for informed consent being given to the representatives.

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.

58. All conditions to be complied with

All conditions of consent are to be complied with prior to the issue of the final Occupation Certificate

59. Application of Occupation Certificate

An application for an Occupation Certificate to the Principal Certifying Authority is to be accompanied by a written statement confirming how each condition of consent has been complied with.

60. Occupation Certificate

An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

61. Fire safety certificate

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.

62. Waste Disposal

The waste disposal areas are to be covered, graded and drained to the sewer via a pre-treatment device prior to the issue of the interim or final Occupation Certificate.

63. Acoustic Impacts

The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the development complies with the acoustic specifications identified in the Environmental Noise Impact Report dated 27 February 2017 or as amended, by CRG Acoustics, prior to the release of the Interim and or Final Occupation Certificate.

64. Mechanical Ventilation

The building shall be either naturally ventilated in accordance with *Part F4 of the Building Code of Australia* or mechanically ventilated or air conditioned in accordance with *AS 1668 part 1.2 - 1991* and *AS 3666*. Details of any proposed mechanical air conditioning system are to be submitted to and approved by the Principal Certifying Authority prior to the installation of the system. Such details are to include a detailed floor plan layout indicating the ductwork layout, location of outside air intake points and exhausted air discharge points. Outside air and supply air quantities including calculations are to be submitted.

65. Drainage Grates

All drainage grates located within traffic movement areas shall be fixed to avoid rattling.

66. Carpark and Driveway areas

Carpark and driveway hardstand areas shall be finished with surface coatings which prevent tyre squeal (an uncoated surface is acceptable) prior to the issue of the Occupation Certificate.

67. External Lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*". Upon installation of lighting and before final commissioning, a report from a qualified consultant shall be submitted to the Principal Certifying Authority (PCA) demonstrating compliance with AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".

68. 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.

69. Landscape Plan

Prior to the issue of the Occupation Certificate, the site is to be landscaped in accordance with the approved landscape plan. The landscaping is to include the undertaking of appropriate plantings generally in accordance with the *Ballina Shire Urban Garden Guide*.

70. 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.

71. Car parking (disabled)

All disabled car parking spaces shall be constructed in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.6: 2009. All eight nominated disabled car parking spaces in the vicinity of the main shopping centre building are to be covered. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

72. 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.

73. 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 public road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

74. 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 works in the road reserve. 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.

75. Maintenance bond

Prior to the issue of an Occupation Certificate, the following maintenance bond must be paid to Council which includes the amount of Goods and Services Tax payable. The bond is subject to review and may vary at the actual time of payment:

- Civil Maintenance Bond: Equal to 5% of the estimated cost of the civil works in the road reserve (Refer to Council's Schedule of Fees & Charges for minimum fees)

A maintenance period of 12 months will apply from the date of issue of the Occupation Certificate. The bond may be used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12 month period should no such failure occur.

76. Limits on Issue of Occupation Certificate

- a) Until completion and opening of a trafficable connection of the northern section of Hutley Drive to North Creek Road or Byron Bay Road, no commercial development Occupation Certificate will be approved that results in the cumulative external traffic to be generated by the combined Pacific Pines/EPIQ development (being all lands to which Concept Approval and Project Approval MP 07_0026 applies) exceeding 7,456 vehicles per day.
- b) In regard to (a), until completion and opening of the trafficable connection of the northern section of Hutley Drive to Byron Bay Road, all Occupation Certificate applications must be accompanied by an updated traffic generation analysis, certified as acceptable to Council, that verifies the cumulative threshold of 7,456 vehicles per day will not be exceeded by the subject application and any other previously approved Subdivision Certificate and/or occupation certificate applications for the Pacific Pines/EPIQ lands.
- c) All subdivision works required for Stage 1B of Project Approval MP 07-0026 Modification 5 (or as further amended), must be completed and the associated subdivision registered prior to the issue of an occupation certificate.

77. Compliance with DA 2017/221 – Bulk Earthworks

All conditions of DA 2017/221 are to be complied with prior to the issue of an Occupation Certificate.

78. Backflow prevention certification

Prior to the issue of an Occupation Certificate the device shall be commissioned and certified by a licensed NSW plumber who holds the required backflow prevention qualifications. Certification must be submitted to Council.

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

79. Screening of Mechanical equipment

All mechanical equipment or mechanical air conditioning plant shall be suitably screened (and acoustically treated where required by the acoustics consultant) to the satisfaction of the Principal Certifying Authority.

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.

80. Loading and unloading

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

81. Access

All vehicular entry to and exit from the site shall be in forward direction.

82. Site Waste Minimisation and Management Plan

Operational waste management activities at the site shall be in accordance with the Site Waste Minimisation and Management Plan (SWMMP) prepared by Newton Denny Chappelle, dated 12 August 2017 (CM Ref: 17/68692), which has been approved by Council (or amended in agreement with Council) including the following measures;

- a) Waste generation shall be monitored and collection arrangements adjusted as required
- b) A Waste Management Information Package shall be provided to new occupants of the specialty retail outlets
- c) With respect to the waste generated by the supermarket, management will be responsible for:
 - Collection and transport of their waste to the designated bins
 - Maintenance of waste storage waste storage areas in a clean and tidy manner.
- d) With respect to the waste generated by the specialty shops, individual tenants will be responsible for:
 - Collection and transport of waste generated by their business to the communal bins
 - Maintenance of waste storage areas in a clean and tidy manner.

83. Waste Collection

Waste collection must occur as required to prevent the creation of an odour or pest nuisance.

84. Acoustic Measures

The acoustic wing wall shall be maintained in good serviceable condition and shall not be altered, removed or damaged for perpetuity.

85. No storage in car park

The external storage of any material outside of the building is not permitted.

86. Waste Containers

No waste containers are to be stored in any car parking space at any time.

87. Acoustic Impacts

Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment dated 27 February 2017 prepared by CRG Acoustics (CM Ref: 17/68693), as outlined below:

- Hours of operation of the supermarket and retail tenancies to be limited to between 6.00am and 10.00 pm daily
- Deliveries to the north west retail building be limited to between 7.00am and 6.00pm daily
- Deliveries to the supermarket service yard and dock be limited to between 6.00am and 10.00pm daily
- Trolley collection be limited to between 7.00am and 10.00pm daily
- Waste collection be limited to between 7.00am and 6.00pm daily

88. Noise – Mechanical Plant

Noise associated with the mechanical plant must not give rise to any one or more of the following:

- (a) Transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the licensed premises. The source noise level must be assessed as LAeq, 15 minute; or
- (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

89. Offensive Noise

The proposed land use shall not result in the emission of offensive noise. 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.

90. External Lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting".

91. 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.

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;
- 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. Protection of the Environment

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

3. Noise Control

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

4. WorkCover Requirements

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

5. Wastewater Management Advice

All work carried out in connection with this approval must comply with any applicable standard established by the Local Government (Approvals) Regulation 1999, the Local Government (Water Services) Regulation 1999.

6. Smoke-Free Environment

The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on the following website: <http://www.legislation.nsw.gov.au>

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

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Lennox Head District Parks 2016	4302	equivalent residential allotment	\$1,103.00	0.0000	\$0.00
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,805.00	0.0000	\$0.00
Lennox Head District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,076.00	0.0000	\$0.00
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,059.00	0.0000	\$0.00
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$107.00	0.0000	\$0.00
Roads Contribution Plan V4.0 (2015)	5204	equivalent residential allotment	\$11,806.00	202.5802	\$2,391,661.84
Roads Administration V4.0 (2015)	5205	equivalent residential allotment	\$177.00	202.5802	\$35,856.70
Pacific Pines Wastewater Services (DSP Area B)	3012	equivalent tenement	\$5,020.00	29.7330	\$149,259.66
Lennox Head Water Supply (DSP Area B)	2004	equivalent tenement	\$3,280.00	26.3720	\$86,500.16
Rous Water 2016	5001	equivalent tenement	\$8,404.00	26.3720	\$221,630.29
TOTAL					\$2,884,908.64