

SCHEDULE OF CONDITIONS

GENERAL

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

Plans prepared by	Drawing No.	Drawing Title	Dated
pdt architects	A 00-01 Rev. 6	Cover Sheet & Drawing List	22.03.18
pdt architects	A 01-01 Rev. 6	Locality Plan	22.03.18
pdt architects	A 01-02 Rev. 7	Site Plan Overall	23.03.18
pdt architects	A 01-03 Rev. 4	Site Plan – Sheet 1	22.03.18
pdt architects	A 01-04 Rev. 7	Site Plan – Sheet 2	23.03.18
pdt architects	A 01-11 Rev. 2	Solar Study	22.03.18
pdt architects	A 02-21 Rev. 6	General Arrangement Plan (Part A)	22.03.18
pdt architects	A 02-22 Rev. 6	General Arrangement Plan (Part B)	22.03.18
pdt architects	A 02-23 Rev. 2	General Arrangement Part Plan – Link	22.03.18
pdt architects	A 02-24 Rev. 6	Roof Plan (Part A)	22.03.18
pdt architects	A 02-25 Rev. 6	Roof Plan (Part B)	22.03.18
pdt architects	A 05-03 Rev. 2	Court Markings Plans	22.03.18
pdt architects	A 06-01 Rev. 6	Overall Building Elevations – Sheet 1	22.03.18
pdt architects	A 06-02 Rev. 6	Overall Building Elevations – Sheet 2	22.03.18
pdt architects	A 06-03 Rev. 5	Internal Building Elevations – Sheet 1	22.03.18
pdt architects	A 06-04 Rev. 2	Internal Building Elevations – Sheet 2	22.03.18
pdt architects	A 07-01 Rev. 6	Overall Sections – Sheet 1	22.03.18
pdt architects	A 07-02 Rev. 6	Overall Sections – Sheet 2	22.03.18
pdt architects	L00-01 Rev. 5	Landscape Concept Plan	08.03.18
pdt architects	L00-02 Rev. 5	Landscape Concept Plan	08.03.18
STP Consultants	STP17-0890 C100 Rev. A	Site Layout Plan	No date
STP Consultants	STP17-0890 C101 Rev. A	General Arrangement Layout Plan	09.03.18
STP Consultants	STP17-0890 C301 Rev. A	Roadworks & Drainage Layout Plan (Sheet 1 of 2)	09.03.18
STP Consultants	STP17-0890 C302 Rev. A	Roadworks & Drainage Layout Plan (Sheet 2 of 2)	09.02.18
STP Consultants	STP17-0890 C401 Rev. A	Stormwater Management Layout Plan	09.03.18
STP Consultants	STP17-0890 C402 Rev. A	Stormwater Management Layout Plan	09.03.18

except as modified by any condition in this consent.

2. Commencement of occupation or use

Occupation or use of the (premises/site) for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

3. Local Government Act approval

Pursuant to Section 78A(3) of the Environmental Planning & Assessment Act 1979, this development consent authorises the following activities listed under Section 68 of the Local Government Act 1993, subject to full compliance with all other relevant conditions of this approval:

- (i) Carry out water supply work.
- (ii) Draw water from a Council water supply or a standpipe or selling water so drawn.
- (iii) Install, alter, disconnect or remove a meter connected to a service pipe.
- (iv) Carry out sewerage work.
- (v) Carry out stormwater drainage work.
- (vi) Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain connected to such device or facility.
- (vii) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. This (vii) approval expires upon completion of the building works on the land.

As provided for in Section 78A(6) of the Act, the abovementioned approvals are granted only to the applicant and do not attach to or run with the subject land.

4. Signs

The approved plans include a building identification sign that shall be no more than approximately 3.6 m². The proposed sign may only be illuminated by a shielded light which shall emit an equivalent maximum light emission of 2000 lumens observed at 90 degrees. It shall be turned off when the BISC is not open for business. The signage is not to flash, move or be objectionably glaring or luminous.

No other advertising sign(s) are 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.

5. BCA compliance

The buildings are to comply with the requirements of the Building Code of Australia, relevant Australian Standards and the Disability (Access to Premises – Buildings) Standards 2010.

6. Hot Water Outlets

All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C.

Hot water temperatures at 50°C or higher are still acceptable at all other fixtures. Temperature control devices or equipment used to achieve the maximum hot water temperature shall ensure continuous flow and shall be fail safe in design.

Temperature control devices shall be installed in a location that minimises any opportunity for being interfered or tampered with.

7. Driveway construction

The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material and finished with a surface coating which prevents tyre squeal. All driveway areas are to be adequately graded and drained to stormwater treatment areas. These areas must discharge to Council's stormwater system to ensure that stormwater is not directed onto adjoining properties. Car park and driveway hardstand areas shall be finished with a surface coating which prevents tyre squeal.

8. Clement Park sign and plaques

The Clement Park entry sign and associated plaques (which are not heritage listed) will be relocated to an appropriate location on the subject land. If appropriate the plaques could be displayed in the foyer of the BISC.

9. Native trees and landscape vegetation

Landscape trees and shrubs should be native species endemic to the locality to encourage bird life and compensate for trees removed.

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.

10. 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.

11. 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.

12. Accessibility

An accredited access consultant shall review the construction plans prior to the issue of the Construction Certificate and the recommendations of the access consultant shall be incorporated into the proposed development. A copy of the completed access report shall be made available to the Ballina Shire Access Reference Group.

13. 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 for all water, sewer, stormwater and any proposed fire service installations for the building. 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. Payment is also to be made for the required plumbing and drainage inspections.

14. Trade waste

Prior to the release of the Construction Certificate a completed trade waste application must be submitted to Council to ensure that the Liquid Trade Waste Approval includes the proposed discharge from the indoor sports centre. The details (make & model) of the pre-treatment i.e. in-sink basket arrestors, dry basket arrestors need to be submitted to Council together with the application.

The Applicant must allow in the design for all required trade waste pre-treatment equipment to be installed.

15. 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.

(i) **Line Marking** - At the developer's expense, lane marking shall be provided in Cherry Street generally in accordance with the submitted Traffic Engineering Report prepared by TTM Consulting PTY LTD dated 22/3/18. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

(ii) **Footpath and gutter crossing** - The provision of 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.

(iii) **Reinstatement of existing driveway crossing** - The existing kerb and gutter crossing in Cherry Street shall be reinstated to upright kerb and gutter in accordance with the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing). Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

(iv) **Sewer Junction** - The provision of a sewer junction to service the development. Details are to be in accordance with the Gravity Sewerage Code of Australia and the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing).

16. Car parking & vehicular access

The development shall provide 77 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.

17. The proposed car park shall include a footpath on its eastern edge. This footpath is not to extend to the northern edge of the car park.

18. Car parking for disabled

The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. As per Ballina Shire Council's DCP the two proposed disabled car parking spaces and associated shared zones shall be protected by a waterproof roof or awning structure. 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.

19. Bicycle Racks

A bicycle rack, compliant with AS2890.3, capable of supporting 14 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

20. 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.
- Consideration of other services such as waste management, gas bottle storage/services etc.

21. 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 accordance with the Stormwater Management Report prepared by STP Consultants dated 20/3/18 (REV:D) including the submitted layout plans prepared by STP consultants. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not to be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

22. Flooding

The whole of the proposed building footprint including a 3m curtilage must be filled to a minimum level of RL 2.1 metres AHD. The proposed building shall have a minimum floor level of 2.6 metres AHD and the proposed car park shall have a minimum surface level of 2.1metres AHD. Details of bulk earthworks, final levels, and associated drainage are to be included in the engineering design plans submitted prior to the issue of the Construction Certificate.

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

24. Water meter Hydraulic Designs – If the development includes a Fire Service Assembly 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.

25. Water efficient features and recycled water

Water efficient fixtures and fittings will be incorporated into the wet areas of development. All toilets and urinals will be linked to reticulated recycled water. An outside tap for landscape watering will also be linked to reticulated recycled water and marked accordingly.

26. Energy efficiency

The BISC will be required to have suitable insulation, energy efficiency fixtures and fittings to minimise its energy consumption.

27. 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 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.

28. Asset listing

Prior to the submission of the Construction Certificate application an electronic listing of all 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.

29. Redundant infrastructure

All existing sewer and stormwater infrastructure made redundant as a result of the development shall be decommissioned and completely removed from the site. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.

30. Food preparation and storage areas

Plans (including sections and elevations) and specifications showing details of all food preparation and storage areas, layout, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes, are to be submitted to Council and approval obtained prior to the issue of the Construction Certificate. The applicant shall construct and fit-out the premise in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.

31. Waste Disposal Area

The waste disposal area is 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.

32. Erosion and Sediment Control Plan (ESCP)

An Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Principal Certifying Authority (PCA), prior to the issue of the Construction Certificate. The ESCP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

33. 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**).

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.

34. 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.

35. 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 (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).

36. 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.

37. Building waste containment

A suitable waste container capable of holding light weight 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.

38. 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.

39. 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.

40. Soil erosion and sediment control measures

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

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.

41. No storage of materials on Council land

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

42. Revegetation of disturbed areas

All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

43. Protection of existing vegetation

Any trees or shrubs existing on the site and nominated for retention on the approved development application plan are to be protected during construction works.

44. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) 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.

45. 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.

46. Acid Sulfate Soil Management Plan

The Acid Sulfate Soil Management Plan prepared by Regional Geotechnical Solutions dated 5 December 2016 must be implemented in full during the construction period.

47. Site 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.

48. Waste

All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility unless managed in accordance with a current resource recovery order and exemption. If alternative disposal methods are to be sought, written approval is to be granted by the Principal Certifying Authority (PCA). It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.

49. All weather accessways

All weather accessways are to be provided on site that extend from the kerb to the building construction site. All construction vehicles are to enter and exit the site via these accessways so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. A 'shake down' grid area for trucks is required. When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

50. Soil erosion and sediment control measures

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

- 51.** 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:

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land
- Service trenches being backfilled as soon as practical
- Downpipes being connected as soon as practical or the use of temporary downpipes
- Buffer vegetation zones being retained on sites that adjoin roadways, drainage systems and or watercourses
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

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

- 52.** 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.

53. 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.
54. 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).
55. 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.
56. 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.
57. No burning of cleared vegetation or other waste material shall occur on site prior to or during the construction phase of the development. Council has a No Burn Policy which aims to minimise air pollution by prohibiting the burning of any waste in residential areas. All vegetation waste should be removed to a licenced waste management facility or chipped for use as mulch on the site if required. If an alternative method of disposal is sought written approval of Council is required.

58. 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.

59. Vandalism and graffiti

Where possible Council should use vandal resistant or reducing materials and anti-graffiti treatment

60. 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).

61. 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.

62. Heritage briefing

All construction staff are to be advised that a listed heritage item (C Block) is located immediately to the east of the building site and they should ensure it is not unintentionally impacted during construction works.

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.

63. All conditions of consent are to be complied with prior to the issue of the final occupation certificate.

64. 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 required standards.

65. Occupation Certificate

The buildings are to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

66. Noise Management Plan

A Noise Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council prior to the issue of the Occupation certificate. The Plan shall have consideration for the recommendations in the Noise Impact Assessment prepared by ASK Acoustics and Air Quality dated 24 January 2018 , and associated addendum, and shall address, but not be limited to, the following matters:

- limits to operating hours (including additional limits for large sporting events)
- hours of delivery and servicing (including waste collection)
- project specific noise targets at sensitive receivers
- specific physical and managerial measures for controlling noise
- information sheet for facility users explaining noise management requirements
- noise monitoring and reporting procedures
- measures for dealing with exceedances
- arrangements to inform residents of noisy activities likely to affect their amenity, including provision of a 24hour contact point for residents, and
- establishment of a system to handle and respond to complaints.

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

68. The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the amplification system has been fitted with a sound limiter in accordance with the acoustic specifications identified in the Noise Assessment dated 24 January 2018 and associated addendum, by ASK Acoustics and Air Quality, prior to the release of the Interim and or Final Occupation Certificate.

69. 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*".

70. The external lighting design is also be required to satisfy CPTED principles, in relation to all public areas of the development.

71. Pest control

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

72. 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.

73. Footpath and gutter crossing

All works are to be completed and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

74. Kerb and gutter crossing

The existing kerb and gutter crossing in Cherry Street shall have been reinstated to upright kerb and gutter in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be completed and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

75. 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.

76. 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.

77. 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 Plans and the approved Stormwater Management Report. Overland flow paths must not to 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.

78. Trade waste

Prior to the operational use of the indoor sports centre, the Applicant must ensure that all pre-treatment equipment as outlined in the Trade Waste Approval is installed, inspected and commissioned.

79. 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.

80. 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 (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.

81. 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.

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.

82. 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 be 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.

83. Controlled Illumination of Signage

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

84. Loading and Unloading

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

85. Access

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

86. Vehicle management

The operation of the business shall be in accordance with the vehicle management plan approved as part of the construction certificate.

87. Restriction on use of Meeting Rooms

The meeting rooms are to be available for public use only during school hours or when there are no other sports events at the BISC. Sufficient onsite parking has not been provided to allow for use during sports events.

88. Operational waste management

Operational waste management activities at the site shall be in accordance with the Site Waste Minimisation and Management Plan (SWMMP) prepared by Oliver Thessman, dated 20 March 2018, which has been approved by Council.

89. All waste generated on site is to be disposed to and stored in the nominated waste area/s. Bins shall remain in the bin enclosure at all times, except during waste collection.

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

91. Noise

Noise associated with the operation of any plant, machinery or other equipment on the premise, must not exceed 5dB(A) above the background noise level when measured at the boundary of any sensitive receiver.

92. Vehicles servicing the BISC (including deliveries and waste collection) shall not park and or wait at the BISC or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Saturday.

93. Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment dated 24 January 2018 prepared by ASK Acoustics and Air Quality and associated addendum, as outlined below:

- The amplification equipment will be sound limited after 6.00pm to achieve the less than 35 dBA when measured at the boundary of a residential receiver
- Typical training and games sessions should be controlled to achieve less than 35 dBA when measured at the boundary of a residential receiver
- Large sporting events should be controlled to achieve less than 43 dBA when measured at the boundary of a residential receiver.

94. An acoustic report is to be submitted to Council within three months of the commencement of trade at the premise confirming that the development complies with the environmental noise targets, identified in the Environmental Noise Impact Assessment dated 24 January 2018 prepared by ASK Acoustics and Air Quality. If compliance is not achieved then rectification measures should be recommended to achieve the environmental noise targets.

95. Prescribed hours of operation

Activities carried out at the BISC pursuant to this consent (not including initial construction works) shall only be undertaken between the hours of 7.00am and 10.30pm daily.

96. Large sporting events, as described in the Noise Impact Assessment prepared by ASK Acoustics and Air Quality dated 24 January 2018, shall be carried out not more than two times in any month and only between the hours of 7.00am and 9.00pm.

97. Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. In addition, the sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.
98. Operational activities at the site shall be in accordance with the Noise Management Plan which has been approved by Council. A copy of the approved management plan shall be made available at the premise and details provided to staff and users of the facility.
99. Ground maintenance involving the use of power equipment, including lawn mowers and leaf blowers, must be restricted to between 7.30am and 6.00 pm, Mondays to Fridays inclusive and 8.00am and 1.00pm on Saturdays.

SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Ballina Island Wastewater Services (DSP Area B)	3001	equivalent tenement	\$5,020.00	9.3555	\$46,964.61
Ballina Island Water Supply (DSP Area B)	2001	equivalent tenement	\$3,280.00	5.8953	\$19,336.58
Rous Water 2016	5001	equivalent tenement	\$8,404.00	5.8953	\$49,544.10
TOTAL	\$115,845.30				