

Attachment 1 – Draft Conditions of Consent

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:

Prepared by	Revision	Page	Title	Dated
Raunik design group	G		Cover Page	26/04/2023
Raunik design group	O		Existing Master Plan	26/04/2023
Raunik design group	H		Staging Plan	26/04/2023
Raunik design group	X		Long Term Master Plan	26/04/2023
Raunik design group	D	19457_SK-100	Site Plan	27/04/2023
Raunik design group	B	19457_SK-101	Site Survey_November 2021	27/04/2023
Raunik design group	C	19457_SK-102	Site Works Plan	27/04/2023
Raunik design group	B	19457_SK-130	Ground Floor Plan	27/04/2023
Raunik design group	B	19457_SK-131	First Floor Plan	27/04/2023
Raunik design group	B	19457_SK-132	Roof Plan	27/04/2023
Raunik design group	B	19457_SK-200	Elevations	27/04/2023
Raunik design group	C	19457_SK-300	Sections 1, 2 & 3	27/04/2023
Raunik design group	C	19457_SK-301	Sections 5-10	27/04/2023
Raunik design group	B	19457_SK-900	Ground Floor Connecting Space Options	27/04/2023
Raunik design group	B	19457_SK-901	The Floor Plan & It's Flexibility	27/04/2023
Raunik design group	A	19457_SK-902	Perspective – South East	27/04/2023
Raunik design group	A	19457_SK-903	Perspective – South West	27/04/2023
Raunik design group	A	19457_SK-904	Materials	27/04/2023
Raunik design group	B	19457_SK-905	CPTED Layout	27/04/2023
Rytenskild Traffic Engineering	Version 4	21047	Transport Impact Assessment	28 April 2023
Ardill Payne & Partners	1	5001 – Stage 14	Infrastructure Services Report	25.11.21

Blackwood Ecological Services		2228	Ecological Assessment	8/07/2022
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Except as modified by any condition in this consent. Where there is an inconsistency between the conditions of consent and any supporting plans and documents, the conditions of consent prevail.

2. Commencement of occupation or use

Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final Occupation Certificate has been issued by the Principal Certifier unless alternative arrangements have been made with Council.

3. No advertising signage to be displayed

No 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.

4. Modification of development consent No's. 2014/360 and 2017/613 and 2018/756

In accordance with Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, this condition requires the modification of Condition 1 of Development Consent 2014/360, Condition 6 of Development Consent 2017/613 and Condition 5 of Development Consent 2018/756 by amending the masterplan reference as follows:

DA 2014/360

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:*

Masterplan

- (a) *Raunik Design Group Master Plan - Long Term Master Plan, Revision X, dated 26 April 2023.*
- (b) *deleted*

Administration Building Expansion

- (c) *Burling Brown Architects Extension to Administration Building Floor Plan and Perspective, Project Number EAC00, Sheet Number SK-03 Revision P3 dated 30 April 2014;*
- (d) *Burling Brown Architects Extension to Administration Building Elevations. Project Number EAC10, Sheet Number SK-04 Revision P2 dated 11 July 2014;*

Junior Classrooms – Classrooms 1, 2, 3 and 4

- (e) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Site Plan, Project Number EAC11, Sheet Number SK-02.01 Revision P3 dated 11 July 2014;*
- (f) *Burling Brown Architects Proposed Junior Classroom Buildings Floor Plan Stage 01, Project Number EAC11, Sheet Number SK-03.00 Revision P3 dated 11 July 2014;*

- (g) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Perspective, Project Number EAC11, Sheet Number SK-20.00 Revision P3 dated 11 July 2014;*
- (h) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a– South West Entry, Project Number EAC11, Sheet Number SK-20.06 Revision P2 dated 11 July 2014;*
- (i) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a – Top View, Project Number EAC11, Sheet Number SK-20.07 Revision P2 dated 11 July 2014,*

DA 2017/613

6. Modification of development consent No. 2014/360

In accordance with Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, this condition requires the modification of Development Consent No. 2014/360 as follows:

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:*

Masterplan

- (a) *Raunik Design Group Master Plan - Long Term Master Plan, Revision X, dated 26 April 2023;*

Administration Building Expansion

- (b) *Burling Brown Architects Extension to Administration Building Floor Plan and Perspective, Project Number EAC00, Sheet Number SK-03 Revision P3 dated 30 April 2014;*
- (c) *Burling Brown Architects Extension to Administration Building Elevations. Project Number EAC10, Sheet Number SK-04 Revision P2 dated 11 July 2014;*

Junior Classrooms – Classrooms 1, 2, 3 and 4

- (d) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Site Plan, Project Number EAC11, Sheet Number SK-02.01 Revision P3 dated 11 July 2014;*
- (e) *Burling Brown Architects Proposed Junior Classroom Buildings Floor Plan Stage 01, Project Number EAC11, Sheet Number SK-03.00 Revision P3 dated 11 July 2014;*
- (f) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Perspective, Project Number EAC11, Sheet Number SK-20.00 Revision P3 dated 11 July 2014;*
- (g) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a – South West Entry, Project Number EAC11, Sheet Number SK-20.06 Revision P2 dated 11 July 2014;*
- (h) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a – Top View, Project Number EAC11, Sheet Number SK-20.07 Revision P2 dated 11 July 2014,*

DA 2018/756

5. Modification of development consent No's. 2014/360 and 2017/613

In accordance with Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, this condition requires the modification of Condition 1 of Development Consent No's. 2014/360 and Condition 6 of 2017/613 by amended the masterplan reference as follows:

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:*

Masterplan

- (a) *Raunik Design Group Master Plan - Long Term Master Plan, Revision X, dated 26 April 2023;*

Administration Building Expansion

- (b) *Burling Brown Architects Extension to Administration Building Floor Plan and Perspective, Project Number EAC00, Sheet Number SK-03 Revision P3 dated 30 April 2014;*
- (c) *Burling Brown Architects Extension to Administration Building Elevations. Project Number EAC10, Sheet Number SK-04 Revision P2 dated 11 July 2014;*

Junior Classrooms – Classrooms 1, 2, 3 and 4

- (d) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Site Plan, Project Number EAC11, Sheet Number SK-02.01 Revision P3 dated 11 July 2014;*
- (e) *Burling Brown Architects Proposed Junior Classroom Buildings Floor Plan Stage 01, Project Number EAC11, Sheet Number SK-03.00 Revision P3 dated 11 July 2014;*
- (f) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Perspective, Project Number EAC11, Sheet Number SK-20.00 Revision P3 dated 11 July 2014;*
- (g) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a –South West Entry, Project Number EAC11, Sheet Number SK-20.06 Revision P2 dated 11 July 2014;*
- (h) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a –Top View, Project Number EAC11, Sheet Number SK-20.07 Revision P2 dated 11 July 2014,*

5. Vandalism and graffiti

Where possible, the applicant should use vandal resistant or reducing materials and anti-graffiti treatment.

6. NCC Compliance

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

The buildings are also to comply with the following legislation and Australian Standards with respect to accessibility:

- *Disability Discrimination Act 1992 (DDA)*
- *Disability (Access to Premises – Buildings) Standards 2010 (APS)*
- *AS 1428.1 – 2009 Design for access and mobility – General requirements for new building work*
- *AS 1428.2 – 1992 Design for access and mobility – Enhanced and Additional requirements – Buildings and facilities*
- *AS/NZS 1428.1 – 2009 Design for access and mobility – Tactile indicators*

7. Building height

The height of the building measured to Australian Height Datum (AHD) must not exceed relative level (RL) 10.59m AHD to the top of the building.

8. 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.

9. Student Capacity

The approved educational establishment has a capacity of 1114 students and 119 staff members. This capacity is not to be exceeded without the prior consent of the consent authority.

10. Overland Flow Paths

A 3m wide easement for drainage and overland flow adjacent to SP 69608 shall be provided benefiting Council, as generally identified in Ardill Payne & Partners letter to Council dated 3 March 2023 including Appendix B, Drawings 220554-01-IN-SK-01 Rev B, 220554-01-IN-SK-02 Rev B and 220554-01-IN-SK-03 Rev B, prepared by Newton Denny Chapelle dated 30.11.22. Current and future buildings are to be excluded from the proposed easement and any future civil or earthworks works in the easement are to be compatible with future construction of the overland flow path as detailed in the above drawings.

The easement benefiting Council for drainage and overland flow path shall be registered on the title deed.

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.

11. Administration/ inspection fees

Where Council is not chosen as the Principal Certifier, 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.

12. Long Service Levy

In accordance with Section 6.8 of the EP&A Act 1979, a Construction Certificate must not be issued with respect to the plans and specifications for any building work unless any long service levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid. Currently the rate is 0.25% of the cost of the construction works costing \$250,000 or more (including GST). Works less than \$250,000 are not subject to the levy.

13. Landscape Plan

A landscape plan prepared by a suitably qualified person shall be submitted to and approved by Council prior to the issue of a Construction Certificate. The landscape plan should provide compensatory landscape plantings of native species in accordance with the Ballina Shire Urban Garden Guide and include a minimum of 20% of the site area being comprising landscaped area

14. 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.

15. Internal traffic facilities

The development shall provide the road access and sealed internal roads, traffic facilities, parking, bus and car drop off/pick up facilities, signs and markings as depicted on the amended proposed long term master plan dated 26 April 2023 and as modified by proposals and recommendations in the Traffic Impact Assessment dated 28 April 2023. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standards AS/NZS 2890 (1-5) and applicable Austroads standards/guidelines. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier prior to issue of the first Construction Certificate for works approved via this consent.

16. Section 138 Approval & Civil Construction Bond for Road Works, Traffic Facilities and Pathway in Horizon Drive and Riverbend Drive

Prior to the issue of a Construction Certificate for works approved by this consent, a Section 138 application via the Roads Act 1993 is to be made and fees (including an amount for Goods and Services Tax) paid for works as detailed below in Horizon Drive and Riverbend Drive. The fees and bond are subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates:

- Section 138 Fee
- Civil Construction Bond: Equal to 5% of the estimated cost of civil works in the road reserves (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 (e.g. 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.

Plans accompanying the Section 138 application are to be of an equivalent standard to the Transport for NSW (TfNSW) "strategic design" as detailed in TfNSW letter dated 26 May 2023, File No: NTH19/00018/04.

- **General**

- a) Provision of the external roadworks, parking spaces, pathway, signs, markings and traffic arrangements as depicted on the amended proposed long term master plan prepared by Raunik Design Group, dated 26 April 2023 and as modified by

proposals and recommendations in the Traffic Impact Assessment Revision 4, dated 28 April 2023.

- b) The prior approval of the Ballina Local Traffic Committee is required for all regulatory facilities, signs and markings in Horizon Drive and Riverbend Drive
- c) All works are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and where applicable in accordance with standards and guidelines by Austroads, Australian Standards and TfNSW.

- **Horizon Drive**

- a) Provision of a “No Stopping” zone in Horizon Drive, generally as depicted in Figure 6.1 of the Traffic Impact Assessment Revision 4, dated 28 April 2023, but with operation times to be consistent with School Zone days and times (i.e. School days, 8 – 9:30 am and 2:30 - 4pm)

- **Riverbend Drive**

- a) Provision of angle parking and associated signs and pavement markings in Riverbend Drive as depicted in Figure 8.1 of the Traffic Impact Assessment Revision 4, dated 28 April 2023 (see also d. below).
- b) Provision of centre barrier lines and “painted island to allow U-Turn movements” in Riverbend Drive as depicted in Figure 8.1 of the Traffic Impact Assessment Revision 4, dated 28 April 2023.
- c) Provision of suitable sealed parking space pavement and road widening in Riverbend Drive as may be required to ensure compliance with Austroads and Australian Standards including the width required to road separation line (W) and other requirements in “Section 2.4 Roadway Width Limitations for Parallel and Angle Parking” (Figs 2.3/2.4 etc) of AS 2890.5
- d) Provision of reinforced concrete pathway accessing parking spaces in Riverbend Drive as depicted on Figure 8.1 of the Traffic Impact Assessment Revision 4, dated 28 April 2023.

17. Bicycle Racks

A bicycle rack, compliant with AS2890.3, capable of supporting an additional two bicycles is to be provided. Details are to be submitted to and approved by the Principal Certifier prior to issue of the Construction Certificate.

18. Filling and floor minimum levels

The curtilage of buildings must be filled to a minimum level of RL 2.2 metres AHD with the finished floor height of the building minimum RL 2.8 metres AHD. Onsite car parks are to be filled to a minimum 2.0 m AHD. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

Certification will be required from a NATA certified geotechnical testing company verifying that the site filling was completed in accordance with a Level 1 geotechnical inspection and testing regime as per the requirements of AS 2870 & AS 3798. In addition, certification shall also be required verifying that any fill material imported to the site is free of contaminants being natural or otherwise and was obtained from an approved fill source with quality assurance testing (details of the fill source will be required).

19. Stormwater management plan

- i. The internal stormwater catchment boundaries, conveyance, attenuation, treatment and points of discharge shall be generally in accordance with Ardill Payne letter to

Council dated 3 March 2023 and attached Drawing SK04 Issue A, and the “Infrastructure Services Report, Ardill Payne & Partners November 2021”, Section “2.4 Proposed Management Strategy”, Section “2.5 Flow Mitigation”, Section “2.6 Quality Treatment” and attached drawing “Stormwater Management Plan, Dwg No. SMP01 Issue C”.

- ii. Stormwater attenuation shall be provided and sized so peak flows do not exceed the Final Masterplan values for Catchments 1, 2 and 3 for the ARI 10 year, 20 year and 100 year events as identified in “Table 1 – Peak Catchment Flow Rates” of the Ardill Payne letter to Council dated 3 March 2023.
- iii. The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of the Ballina Development Control Plan 2012 Chapter 2 – Section 3.9 - Stormwater Management and in accordance with the above site Stormwater Management Plan by Ardill Payne and Partners.

A detailed design of the above stormwater infrastructure must be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate for the proposed development.

20. Flooding

Prior to the issue of a Construction Certificate, the proponent shall complete the following:

- i. Provide evidence to the Principal Certifier that the Flood management/response/evacuation parts of the School’s “Critical Incident Management Policy” (prepared by Emmanuel Anglican College, dated 15 November 2022) as has been forwarded to Council, are formally adopted and will be resourced and enforced in perpetuity during future occupation of the school.
- ii. Carry out a review and update the flood related sections of the policy as required by changes in Council, SES and other relevant authorities in regard to flood management, preparedness, monitoring, response and evacuation best practice.

21. Water connection (dual reticulation)

The applicant shall be responsible for provision (including recycled water connection) of a dual water supply system for both drinking water and recycled water, compliant with Ballina Shire Council’s Dual Water Supply Plumbing Policy, that services each new building and facility approved by this consent or as shown on the “Proposed Long Term Master Plan” dated 26 April 2023. Any improvements, extensions, modifications to site irrigation systems shall be connected to the recycled water system. The recycled water connection and reticulation is to be sized to also accommodate future irrigation demands for the school playing fields and elsewhere on the site where recycled water may appropriately replace current potable water connection. Detailed plans are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

22. Sewerage Services

The site and existing and proposed development as shown in the Long Term Master Plan dated 26 April 2023, is to be provided with sewerage services as proposed in “Attachment 3, Infrastructure Services Report, Ardill Payne & Partners November 2021”, “Section 3. Sewer”. Detailed plans are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

23. Noise Management

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.

24. 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 Version 4.2	22 July 2021
Ballina Shire Open Spaces and Community Facilities Contributions Plan 2022	1 August 2022
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	24 October 2019

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**).

25. 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
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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**).

26. Construction Management Plan

Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. The plan shall address but not be limited to the following matters where applicable:

- i. Hours of operation;
- ii. Contact details of the site manager;
- iii. Traffic management;
- iv. Noise, dust and vibration management;
- v. Waste management;
- vi. Erosion and sediment control;
- vii. Dilapidation survey measures.

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.

27. 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 Certifier for a Construction Certificate.

28. Building waste containment

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

29. 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.

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.

30. Site Contamination

Any new information that becomes known 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 Certifier.

31. Resource Recovery Exemption

Any material that is the subject of a resource recovery exemption and order received at the development site shall be accompanied by documentation as to the material's compliance with the exemption and order conditions and shall be provided to the Principal Certifier or the Council upon request.

32. Erosion and sediment control

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 Certifier must be implemented in full during the construction period.

33. 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.

34. Protection of Trees

The existing trees within Council's Road Reserve along Riverbend Drive are required to be retained and protected during construction in accordance with AS 4970 Protection of Trees on Development Site. The construction and associated works are not to encroach into the Structural Root Zone of the existing trees.

35. 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.

36. Engineering Certification

Certification from a suitably qualified practicing geotechnical engineer verifying that the site filling was completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction is required to be submitted to the Principal Certifying Authority. In addition, the certification shall also verify that any fill material imported to the site is free of contaminants being natural or otherwise and was obtained from an approved fill source with quality assurance testing.

37. Export/Import of Waste

The export/import of waste (including fill or soil) to and 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.

It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.

38. Prevention of Pollution of Waterways

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.

39. Waste Clean-up

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*.

40. Dust Suppression

Dust shall be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events.

41. Noise Control

All work, including demolition, excavation and building work shall comply with Australian Standard AS 2436:2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

42. Acid Sulfate Soils Management Plan

The Acid Sulfate Soil Management Plan prepared by Newton Denny and Chapelle approved by the Principal Certifier must be implemented in full during the construction period.

43. Vibration

The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Council:

- a) 9 am to 12 pm, Monday to Friday;
- b) 2 pm to 5 pm Monday to Friday; and
- c) 9 am to 12 pm, Saturday.

44. Construction Traffic

All demolition and construction vehicles (including concrete agitator trucks) are not to arrive at the project site or surrounding residential areas prior to the approved start time of works for the day.

45. Source of Fill

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 Certifier at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

46. Dewatering

If dewatering is required, a management plan for all dewatering activities on site shall be submitted to and be approved by the Principal Certifier 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.

47. Equipment storage

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.

48. 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 (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material.

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

49. Finished floor height

The finished floor height of the building is to be at a minimum RL 2.8 metres AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifier.

50. 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 1300 864 444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

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.

51. Mechanical Air Conditioning

The mechanical air conditioning plant shall be suitably screened from public view to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

52. Riverbend Drive Driveway Gate

Prior to the issue of an Occupation Certificate, a boom gate is to be installed at the driveway accessed off Riverbend Drive to prevent unauthorised access in accordance with the Traffic Impact Assessment, Revision 4, dated 28 April 2023.

This access is restricted to staff and service/ maintenance vehicles only. This access is not permitted to be utilised by students for student car parking.

53. Overland Flow Path

The easement benefiting Council for drainage and overland flow path adjacent to SP69608 as required under Condition 10 shall be registered on the title prior to issue of any Occupation Certificate for works/buildings approved by this consent.

54. 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, including all internal and external traffic facilities, access roads and parking spaces as depicted on the amended proposed master plan dated 26 April 2023 and as modified by proposals and recommendations in the Traffic Impact Assessment dated 28 April 2023, 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 Transport for NSW where specified.

55. Stormwater

Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifier that all stormwater works have been provided in accordance with the approved Construction Plan. 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.

56. Car parking

The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans, Section 138 approval 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.

57. Accessible Car Parking

The construction of all accessible 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.

58. 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.

59. 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 and traffic facility works in public road reserves (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.

60. Works as executed (drawings)

After civil works and traffic facilities on public roads are completed, 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.

61. Flooding

The proposed flood management/response/evacuation parts of the school's "Critical Incident Management Policy" (prepared by Emmanuel Anglican College, dated 15 November 2022) forwarded to Council, shall be implemented during flood events as per the requirements of the policy. All appropriate staff must be trained and resourced for the requirements of the flood management/response/evacuation parts of the school's "Critical Incident Management Policy".

Regular reviews and updates are to be implemented to the flood related sections of the policy, as required by changes in Council, SES and other relevant authorities in regard to flood management, preparedness, monitoring, response and evacuation best practice.

62. Critical Incident Management Policy

Emmanuel Anglican College is to operate consistent with the Critical Incident Management Policy (or as appropriately amended).

63. 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.

64. Traffic Facilities and Vehicle management

The operation of vehicles accessing the site, moving on the site, parking, loading/unloading and pick up/drop down activities shall be in accordance with the road access and sealed internal roads, traffic facilities, parking, bus and car drop off/pick up facilities, signs and markings as depicted on the amended proposed long term master plan dated 26 April 2023 and as modified by proposals and recommendations in the Traffic Impact Assessment Revision 4, dated 28 April 2023.

65. Waste Management

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.

66. Waste Collection

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

67. Noise – Mechanical Plant

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

68. External Lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:2019 "Control of the obtrusive effects of outdoor lighting".

PRESCRIBED CONDITIONS

Part 4 Division 2 of the Environmental Planning and Assessment Regulation 2021 prescribes the following conditions of consent:

69 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- (4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date.

- (5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply—
 - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- (7) In this section—
relevant date has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

70 Erection of signs

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a 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 certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be—
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- (4) This section does not apply in relation to—
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

71 Notification of Home Building Act 1989 requirements

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - (a) for work that requires a principal contractor to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
 - (b) for work to be carried out by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*—the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

- (4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

72 Entertainment venues

- (1) The requirements specified in this section are conditions of development consent for the use of a building as an entertainment venue.
- (2) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system.
- (3) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times.
- (4) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in—
- (a) the operation of the projectors being used, and
 - (b) the use of the fire fighting equipment in the room in which the projectors are installed (the **projection room**).
- (5) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (6) A member of the public must not be present in the projection suite during the screening of a film.
- (7) An entertainment venue must not screen a nitrate film.
- (8) An emergency evacuation plan must be prepared, maintained and implemented for a building, other than a temporary structure, used as an entertainment venue.
- (9) The emergency evacuation plan must specify the following—
- (a) the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue,
 - (b) the number of fire safety officers that must be present during performances,
 - (c) how the audience will be evacuated from the building if there is a fire or other emergency.
- (10) A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency.
- (11) In this section—
Exit has the same meaning as in the *Building Code of Australia*.

73 Maximum capacity signage

- (1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building—
- (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

74 Shoring and adequacy of adjoining property

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- (3) This section does not apply if—
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

75 Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

- (a) BASIX development,
- (b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

ADVISORY MATTERS

1. Disability Discrimination Act 1992

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

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

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

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

2. Protection of the Environment

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

3. Noise control

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

4. WorkCover requirements

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

5. Wastewater management advice

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

6. Smoke Free Environment

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

7. Mosquito management

As the site is located on the coastal plains and lowlands in an area of high risk for mosquitoes it is recommended that all windows, doors and other openings are adequately screened to prevent the entry of mosquitoes.

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
OS&CF Plan 2022 -Local Open Spaces	4311	equivalent residential allotment	\$4,209.00	0.0000	\$0.00
OS&CF Plan 2022 -Regional Open Spaces (all areas except CURA-A / Kinvara)	4311	equivalent residential allotment	\$1,391.00	0.0000	\$0.00
OS&CF Plan 2022 -Local Community Facilities	4216	equivalent residential allotment	\$1,644.00	0.0000	\$0.00
OS&CF Plan 2022 -Regional Community Facilities (all areas except CURA-A / Kinvara)	4216	equivalent residential allotment	\$1,113.00	0.0000	\$0.00
OS&CF Plan 2022 - Administration (all areas except CURA-A / Kinvara)	4219	equivalent residential allotment	\$125.00	0.0000	\$0.00
Roads Contribution Plan V4.2 (2021)	5208	equivalent residential allotment	\$13,791.00	13.6310	\$187,985.23
Roads Administration V4.2 (2021)	5209	equivalent residential allotment	\$207.00	13.6310	\$2,821.62
West Ballina Wastewater Services (DSP Area B)	3003	equivalent tenement	\$5,928.00	17.0050	\$100,805.64
West Ballina Water Supply (DSP Area B)	2003	equivalent tenement	\$3,873.00	10.2030	\$39,516.22
Rous Water 2016	5001	equivalent tenement	\$9,951.00	10.2030	\$101,530.05
TOTAL	\$432,658.76				