

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### GENERAL CONDITIONS

	Conditions			
1.	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	<b>Approved plans</b>			
	<b>Drawn by:</b> Kaunitz Yeung Architecture			
	<b>Sheet number</b>	<b>Revision</b>	<b>Plan title</b>	<b>Date of plan</b>
	A000	E	Cover Page	19/09/2024
	A001	E	GFA Calculation	19/09/2024
	A100	E	Site Analysis Plan	19/09/2024
	A101	E	Existing & Site Demolition Plan	19/09/2024
	A102	E	Proposed Site Plan	19/09/2024
	A107	E	Level 00	19/09/2024
	A108	E	Level 01	19/09/2024
	A109	E	Level 02	19/09/2024
	A110	E	Roof Plan	19/09/2024
	A111	E	Landscape Plan	19/09/2024
	A115	E	Elevations	19/09/2024
	A116	E	Elevations	19/09/2024
	A117	E	Elevations	19/09/2024
	A120	E	Sections	19/09/2024
	A121	E	Sections	19/09/2024
	A130	E	Shadow Diagrams Winter 9am	19/09/2024
	A131	E	Shadow Diagrams Winter 12pm	19/09/2024
	A132	E	Shadow Diagrams Winter 3pm	19/09/2024
	A140	E	Materials and Finishes	19/09/2024
	<b>Approved plans</b>			
	<b>Drawn by:</b> Stellen Consulting Engineers			
	<b>Sheet number</b>	<b>Revision</b>	<b>Plan title</b>	<b>Date of plan</b>
	P171044-DR-CV-000	4	Key Plan	19/09/2024
	P171044-DR-CV-001	4	Road Widening	19/09/2024
	P171044-DR-CV-002	5	Driveway Layout,	26/09/2024

			profile and kerb detail	
	P171044-DR-CV-020	4	Swept Path	19/09/2024
	P171044-DR-CV-100	4	General Earthworks Levels	19/09/2024
	P171044-DR-CV-101	2	Cut and Fill Plan	19/09/2024
	<b>Approved documents</b>			
	<b>Document title</b>		<b>Version number</b>	<b>Prepared by</b>
				<b>Signed on</b>
	Traffic Impact Assessment Report 002		4	RoadNet
	Acid Sulfate Management Plan		R1	Ecoteam
	Noise Impact Assessment		01	Acoustic Logic
	Operational Waste Management Plan		G	Elephants Foot
	In the event of any inconsistency between the approved plans and documents, the approved plans prevail.			
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
	<b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
<b>2.</b>	<b>Trees to be removed</b>			
	<p>This consent authorises the removal of the following trees:</p> <ul style="list-style-type: none"> <li>• 1 x Bottlebrush Callistemon;</li> <li>• 2 x Alexander Palm;</li> <li>• 1 x Cocos Palm; and</li> <li>• 1 x Umbrella Tree</li> </ul> <p>The Alexander Palm on Council road reserve must be removed in accordance with the <i>Consent for Resident Funded Tree Removal on Public Lane</i> dated 15 October 2024.</p> <p>Separate approval from Council is to be obtained for the removal/pruning of any further vegetation located on the site unless such removal/pruning meets the exempt requirements within Chapter 2a – Vegetation Management of the Ballina Shire Development Control Plan 2012.</p> <p><b>Condition reason:</b> To outline the vegetation management works approved as part of this application.</p>			
<b>3.</b>	<b>Road widening land dedication (lane)</b>			
	The applicant shall be required to dedicate a 6m wide strip of land along the full length of the site's Tamar Street frontage.			
	<b>Condition reason:</b> to ensure the development is constructed in accordance with Council's Development Control Plan Chapter 2 – Section 3.17 – Road Widening.			
<b>4.</b>	<b>Compliance with the National Construction Code.</b>			
	The new building work and any required parking and access for persons with a disability are to comply with the requirements of the <i>National Construction Code (NCC)</i> , relevant Australian Standards and the <i>Disability (Access to Premises – Buildings) Standards 2010</i> as applicable to the building's classification under the National Construction Code.			

	<b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
<b>5.</b>	<b>Erection of signs</b> <p>(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>(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—</p> <p>(a) showing the name, address and telephone number of the principal certifier for the work, and</p> <p>(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</p> <p>(c) stating that unauthorised entry to the work site is prohibited.</p> <p>(3) The sign must be—</p> <p>(a) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>(b) removed when the work has been completed.</p> <p>(4) This section does not apply in relation to—</p> <p>(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</p> <p>(b) Crown building work certified to comply with the <i>Building Code of Australia</i> under the Act, Part 6.</p> <p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>6.</b>	<b>Shoring and adequacy of adjoining property</b> <p>(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.</p> <p>(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—</p> <p>(a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>(b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>(3) This section does not apply if—</p> <p>(a) the person having the benefit of the development consent owns the adjoining land, or</p> <p>(b) the owner of the adjoining land gives written consent to the condition not applying.</p> <p><b>Condition reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
<b>7.</b>	<b>Stabilisation of earthworks</b> <p>All excavated and filled areas are to be stabilised by battering or construction of an approved retaining wall. Batters are to have a maximum slope of 1:1 and be re-vegetated on completion.</p>

	<b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
8.	<b>Retaining wall</b>
	This consent does not authorise the construction of any retaining walls other than those shown on the approved plans.
	<b>Condition reason:</b> To ensure all parties are aware of the retaining walls that form part of this consent.
9.	<b>Driveway access from Holden Lane</b>
	Where a driveway is accessed from a lane, any gate must be fully automated such that vehicles are not required to temporarily stop in the lane way.
	<b>Condition Reason:</b> To ensure public safety.
10.	<b>Discovery of Aboriginal Relics</b>
	Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the developer shall immediately notify the Office of Environment & Heritage (OEH) and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from the OEH is obtained for the destruction, removal or protection thereof and the developer has complied with the direction of the OEH in that respect.
	<b>Condition Reason:</b> To ensure the protection of objects of potential significance during works.
11.	<b>Site Contamination</b>
	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.
	<b>Condition Reason:</b> To ensure the site is suitable for the use and protect public health.
12.	<b>Asbestos Removal</b>
	<p>Where building or demolition work involves disturbance, removal or repair of friable or non friable (bonded) asbestos the following applies:</p> <ul style="list-style-type: none"> <li>a) Work involving asbestos removal work (inclusive of repair or disturbance) that involves any amount of friable asbestos or non-friable asbestos (formerly known as bonded asbestos) that exceeds 10 square metres, must be undertaken only by a person who carries on a business of such removal work in accordance with the appropriate licence under Part 8.10 Division 1 of the Work Health and Safety Regulation 2017;</li> <li>b) The person having the benefit of this consent must provide the Principal Certifier and/or consent authority with a copy of a signed contract with such a person before release of the Construction Certificate and or commencement of works;</li> <li>c) Any such contract must indicate whether any friable or non- friable asbestos will be removed, and if so, must specify the approximate amount (m2) and the landfill site (that may lawfully receive asbestos) to which the friable or non-asbestos material is to be delivered. Note: Ballina Shire Council's Waste Facility is NOT currently licensed to receive any material containing asbestos;</li> <li>d) In accordance with clause 79 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> information relating to the movement of any load in NSW of more than 10m<sup>2</sup> of asbestos sheeting, or 100 kilograms of asbestos waste must be provided to the EPA. To fulfil these requirements waste transporters must use</li> </ul>

	<p><i>WasteLocate</i>. Receipts for disposal shall be retained as evidence of proper disposal;</p> <p>e) Notification of asbestos removal work shall be provided to Council, NSW Safe Work and neighbours in the vicinity of the asbestos removal site;</p> <p>f) The asbestos removal site shall be adequately fenced and signed prior to any asbestos repair, disturbance or removal; and</p> <p>g) A suitably qualified person is to undertake a clearance inspection following the asbestos removal work and have a clearance certificate issued in accordance with the requirements of section 473 and 474 of the Work Health &amp; Safety Regulation 2017. A copy of the clearance certificate is to be provided to Public and Environmental Health Section of Council.</p> <p><i>Refer to Ballina Shire Council website fact sheets <a href="http://ballina.nsw.gov.au">ballina.nsw.gov.au</a> for further information on asbestos and your property visit <a href="http://asbestosawareness.com.au">asbestosawareness.com.au</a></i></p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
13.	<p><b>Commencement of occupation or use</b></p> <p>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 part or whole occupation certificate has been issued by the Certifying Authority.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
14.	<p><b>No Signs Without Approval</b></p> <p>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.</p> <p><b>Condition Reason:</b> To ensure compliance with the provisions of Council's terms of consent.</p>
15.	<p><b>Lighting</b></p> <p>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".</p> <p><b>Condition Reason:</b> to protect the amenity and safety of the public.</p>
16.	<p><b>Crime Prevention through Environmental Design</b></p> <p>The development is to be provided with the following Crime Prevention through Environmental Design measures as recommended by the NSW Police.</p> <p>All measures are to be implemented, operated and maintained throughout the life of the development.</p> <ul style="list-style-type: none"> <li>• Installation of a quality CCTV system is encouraged in all public/shared spaces, including the car park.</li> <li>• Ensure that Staff are trained to review and download CCTV images should they be required by Police.</li> <li>• Ensure there is adequate lighting installed around the premises, especially at all entry/exit points and carpark.</li> <li>• Ensure that lighting used does not produce glare or dark shadows and be orientated to illuminate potential threats or suspects rather than impede those persons within the proposed development observing or looking out.</li> <li>• Ensure both internal and external lighting is repaired or</li> </ul>

	<p>replaced in a timely manner.</p> <ul style="list-style-type: none"> <li>• Promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as overgrown vegetation, placement of garbage bins, and any other items that may provide concealment areas.</li> <li>• Ensure that proposed landscaping does not inhibit natural surveillance opportunities or impact on the sight lines of pedestrians and motorists.</li> <li>• Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to members of the public.</li> <li>• Installation of clearly posted traffic signage in Holden Lane and the developments carpark to help facilitate the free flow of traffic in and out of the development as well as reinforce illegal parking is an offence.</li> </ul> <p><b>Condition reason:</b> To ensure that the development is provided with suitable crime prevention measures.</p>
17.	<p><b>Waste Storage</b></p> <p>Sufficient waste storage containers must be provided to the commercial uses to adequately contain the waste generated by the use.</p> <p><b>Condition Reason:</b> To ensure that an adequate level of amenity is maintained for other properties.</p>
18.	<p><b>Waste Storage</b></p> <p>All waste storage containers must be collected as required to prevent the attraction of vermin and the generation of offensive odours.</p> <p><b>Condition reason:</b> To ensure that an adequate level of amenity is maintained for other properties.</p>
19.	<p><b>Utility Services</b></p> <p>The capping of redundant services, adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.</p> <p><b>Condition reason:</b> Because the nature of the proposed development may impact on the operation of utility services.</p>
20.	<p><b>Essential Energy</b></p> <p>Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property should be complied with.</p> <p><b>Condition reason:</b> To ensure that restrictions on the title that relate to Essential Energy are complied with.</p>
21.	<p><b>Essential Energy</b></p> <p>Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guidelines for the Management of Activities within Electricity Easements and Close to Infrastructure.</p> <p><b>Condition reason:</b> To ensure that the development complies with ISSC 20 Guidelines for the Management of Activities within Electricity Easement and Close to Infrastructure.</p>
22.	<p><b>Roof Material</b></p> <p>The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background.</p> <p><b>Condition reason:</b> To ensure compliance with the Ballina Development Control Plan Chapter 6 – Commercial Development C. Element – Roof Form.</p>
23.	<p><b>Smoke Free Environment</b></p>

	<p>The applicant and occupier of the premises are alerted to the requirements of the Smoke Free Environment Act 2000 which bans smoking in the following outdoor public places:</p> <ul style="list-style-type: none"> <li>• Within 10 metres of children's play equipment in outdoor public spaces</li> <li>• Swimming pool complexes</li> <li>• Spectator areas at sports grounds or other recreational areas during organised sporting events</li> <li>• Railway platforms, light rail stops, light rail stations, bus stops, taxi ranks and ferry wharves</li> <li>• Within 4 metres of a pedestrian access point to a public building</li> <li>• In commercial outdoor dining areas.</li> </ul> <p>Enquiries may be directed to the NSW Health Department. The legislation may be viewed on the following website: <a href="#">Smoke-free Environment Act 2000 No 69 - NSW Legislation</a></p> <p><b>Condition reason:</b> To ensure compliance with the Smoke Free Environment Act 2000.</p>
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## DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

Conditions	
<b>24.</b>	<p><b>Demolition Site Waste Minimisation and Management Plan</b></p> <p>A demolition Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by Principal Certifying Authority (PCA) prior to demolition works commencing. The SWMMP must identify the planned disposal location of all waste including asbestos waste and Acid Sulphate Soils.</p> <p><b>Condition reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>25.</b>	<p><b>Disconnection of services</b></p> <p>Prior to commencement of demolition works an Application for Approval under Section 68 of the Local Government Act 1993 is to be lodged with Council for the disconnection of drainage services. The application is to include the Licensed Plumber's details and payment is to be made of the appropriate inspection fees.</p> <p><b>Condition reason:</b> To protect Council infrastructure and public health.</p>
<b>26.</b>	<p><b>Demolition Management Plan</b></p> <p>Before demolition work commences the Licensed Contractor shall prepare a plan of management for the works detailing:</p> <ul style="list-style-type: none"> <li>• Notification to surrounding properties and property owners the date works are expected to commence on-site and contact details for a responsible all hours construction officer.</li> <li>• Placement of a site safety / security fence.</li> <li>• Hours of work and operations.</li> <li>• Any Traffic Control and measures to be implemented for public safety and pedestrians in Ballina Street and Park Lane.</li> <li>• Nominated loading and unloading for construction vehicles.</li> <li>• Any noise, dust, wind and odour controls.</li> <li>• Details of any stock pile locations.</li> <li>• Protocols for the management of any contaminated soil and/or hazardous building materials.</li> </ul> <p><b>Condition reason:</b> To protect the public and the surrounding environment, during site works and construction.</p>

	<b>Condition reason:</b> To ensure adequate documentation is acquired in regard to the existing pre-development conditions adjoining the development site.
<b>27.</b>	<b>Safety Fencing</b> The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public demolition and removal works including dangerous excavations. Signage restricting unauthorised site entry, and containing the builder's name, license number and contact telephone number is to be provided in a visually prominent location of the site. <b>Condition reason:</b> To protect public health and the environment.

## DURING DEMOLITION WORK

Conditions	
<b>28.</b>	<b>Asbestos management during demolition</b> Where building or demolition work involves disturbance, removal or repair of friable or non friable (bonded) asbestos the following applies: <ul style="list-style-type: none"> <li>a) Work involving asbestos removal work (inclusive of repair or disturbance) that involves any amount of friable asbestos or non-friable asbestos (formerly known as bonded asbestos) that exceeds 10 square metres, must be undertaken only by a person who carries on a business of such removal work in accordance with the appropriate licence under Part 8.10 Division 1 of the Work Health and Safety Regulation 2017;</li> <li>b) In accordance with clause 79 of the Protection of the Environment Operations (Waste) Regulation 2014 information relating to the movement of any load in NSW of more than 10m2 of asbestos sheeting, or 100 kilograms of asbestos waste must be provided to the EPA. To fulfil these requirements waste transporters must use Waste Locate. Receipts for disposal shall be retained as evidence of proper disposal.</li> </ul> <b>Condition reason:</b> To protect public health.
<b>29.</b>	<b>Hours for demolition work</b> Demolition works are restricted to 8.00 am to 5.00 pm Monday to Friday only. <b>Condition reason:</b> To protect public amenity.
<b>30.</b>	<b>Demolition Works</b> All demolition works must be carried out in accordance with the approved Site Waste Minimisation and Management Plan, SafeWork NSW Guidelines, Australian Standard 2601:2001 "The demolition of structures", the NSW Work Health and Safety Act 2011 and Regulations 2017 and guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the buildings are to be disconnected by licensed tradespersons. <b>Condition reason:</b> To inform contractors of the required standard of work and compliance for demolition purposes.
<b>31.</b>	<b>Disconnection of Services</b> Disconnection of sewer, water and electrical services from the building is to be undertaken by licensed tradespersons. Disconnect sewer, stormwater and water services are to be capped off and inspected by Council prior to backfilling. <b>Condition reason:</b> To protect Council infrastructure and public health.
<b>32.</b>	<b>Single all weather accessway</b> A single all weather accessway is to be provided on site that extends from the kerb



	to the demolition site. All vehicles are to enter and exit the site via this accessway so as to minimise erosion on site and prevent the movement of soil material onto roadways. 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.
	<b>Condition reason:</b> To protect public health and the environment.
<b>33.</b>	<b>Stockpiles</b>
	Suitable covering and protection are to be provided to all stockpiles to ensure that no material is removed from the site by wind, causing a nuisance to neighbouring properties.
	<b>Condition reason:</b> To protect public health and the environment.
<b>34.</b>	<b>Sediment and Erosion Control</b>
	Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.
	<b>Condition reason:</b> To protect public health and the environment.
<b>35.</b>	<b>Site Contamination</b>
	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 Certifying Authority.
	<b>Condition reason:</b> To ensure the site is suitable for the use and protect public health.

### ON COMPLETION OF DEMOLITION WORK

Conditions	
<b>36.</b>	<b>Asbestos management on completion of demolition</b>
	Where building or demolition work involves disturbance, removal or repair of friable or non friable (bonded) asbestos the following applies:
	(a) If more than 10 square metres of non-friable asbestos (formerly known as bonded asbestos) or any amount of friable asbestos is removed then a suitably qualified person is to undertake a clearance inspection following the asbestos removal work and have a clearance certificate issued in accordance with the requirements of section 473 and 474 of the Work Health & Safety Regulation 2017. A copy of the clearance certificate is to be provided to Public and Environmental Health Section of Council.
	<b>Condition reason:</b> To protect public health.

### BUILDING WORK

#### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions	
<b>37.</b>	<b>Developer Contributions</b>
	Before 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 7.11 of the Environmental Planning &

	<p>Assessment Act, 1979:</p> <p>The charges are currently guided by the following development servicing plans:</p> <table><tr><th>Contribution Plan/Development Servicing Plan</th><th>Adopted</th></tr><tr><td><a href="#">Cumbalum Urban Release Area Precinct A Contributions Plan 2015</a></td><td>26 February 2015</td></tr><tr><td>Ballina Shire Roads Contribution Plan Version 4.2</td><td>22 July 2021</td></tr><tr><td>Ballina Shire Open Spaces and Community Facilities Contributions Plan 2022</td><td>1 August 2022</td></tr><tr><td>Ballina Shire Carparking Contributions Plan 2014</td><td>14 May 2014</td></tr><tr><td>Ballina Shire Heavy Haulage Contribution Plan</td><td>24 October 2019</td></tr></table> <p>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 <a href="http://www.ballina.nsw.gov.au">www.ballina.nsw.gov.au</a>.</p> <p>The Contribution amounts applicable at the time this consent is issued are as per the <b>attached</b> Ballina Shire Council Contributions Advice.</p> <p><b>Condition reason:</b> To ensure developer contributions are paid in accordance with Council's contribution plan.</p>	Contribution Plan/Development Servicing Plan	Adopted	<a href="#">Cumbalum Urban Release Area Precinct A Contributions Plan 2015</a>	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
Contribution Plan/Development Servicing Plan	Adopted												
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Ballina Shire Heavy Haulage Contribution Plan	24 October 2019												
38.	<p><b>Developer Charges</b></p> <p>Before 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.</p> <p>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.</p> <p>The charges are currently guided by the following development servicing plans:</p> <table><tr><th>Water Supply Authority</th><th>Contribution Plan/Development Servicing Plan</th><th>Adopted</th></tr><tr><td>Ballina Shire Council</td><td>Ballina Shire Council Water Supply Infrastructure Development Servicing Plans</td><td>27 February 2015</td></tr><tr><td>Ballina Shire Council</td><td>Ballina Shire Council Sewerage Infrastructure Development Servicing Plans</td><td>27 February 2015</td></tr><tr><td>Rous Water</td><td>Development Servicing Plan for Bulk Water Supply</td><td>15 February 2023</td></tr></table> <p>The Development Servicing Plans provide for the indexing of charges and are</p>	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 February 2023
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 February 2023											

	<p>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 <a href="http://www.ballina.nsw.gov.au">www.ballina.nsw.gov.au</a>.</p> <p>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.</p> <p>The charges applicable at the time this consent is issued are as per the <b>attached</b> Ballina Shire Council Contributions Advice.</p> <p><b>Condition reason:</b> To ensure developer contributions are paid in accordance with the Development Servicing Plan.</p>
39.	<p><b>Construction Site Waste Minimisation and Management Plan</b></p> <p>A construction Site Waste Minimisation and Management Plan (SWMMP) shall be provided to and approved by Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.</p> <p><b>Condition reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
40.	<p><b>Waste Disposal Area</b></p> <p>The waste disposal area is to be screened, covered, graded, bunded and drained to the sewer via a Council approved pre-treatment device. In addition, the area holding medical waste must:</p> <ul style="list-style-type: none"> <li>• Be located away from food and clean storage areas,</li> <li>• Be inaccessible to the public,</li> <li>• Have a lockable door,</li> <li>• Have rigid impervious flooring,</li> <li>• Allow for regular cleaning, and</li> <li>• Prevent odour and vermin.</li> </ul> <p>Details are to be incorporated into the site architectural and hydraulic plans and are required to be submitted to and approved by Council prior to the release of the Construction Certificate.</p> <p><b>Condition reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
41.	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>A Construction Environmental Management Plan (CEMP) must be submitted to and be approved by Council prior to the issue of a Construction Certificate. A copy of the CEMP must also be submitted to the Principal Certifier prior to the issue of a Construction Certificate. <b>In this regard construction vehicles are not permitted use Holden Lane.</b></p> <p>The CEMP must address, but not be limited to the following matters:</p> <ul style="list-style-type: none"> <li>• Hours of work</li> <li>• Contact details of site manager/s (24-hour accessibility)</li> <li>• Complaints management plan and register</li> <li>• Location of existing services</li> <li>• Traffic Management (Vehicles, pedestrians and cyclists)</li> <li>• Construction staging plan (where the works will be completed in stages)</li> </ul>

	<ul style="list-style-type: none"> <li>• Restoration of damage to public assets</li> <li>• Noise and vibration</li> <li>• Dust - Air quality management plan (include escalation protocols and triggers)</li> <li>• Waste management including classification and identified disposal/reuse locations of any soil or like material to leave the development site.</li> <li>• Soil &amp; water management (including erosion and sediment control)</li> <li>• An unexpected finds protocol to appropriately manage unexpected potential contamination issues encountered during works.</li> <li>• Materials storage and waste management</li> </ul> <p><b>Condition reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
42.	<p><b>Dilapidation report</b></p> <p>Prior to the issue of a Construction Certificate, the applicant shall engage a practising professional in the field to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining buildings, infrastructure and roads. The report shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report must also be forwarded to Council.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
43.	<p><b>Waste Disposal Area</b></p> <p>The waste disposal area is to be screened, covered, graded, bunded and drained to the sewer via a Council approved pre-treatment device. In addition, the area holding medical waste must:</p> <ul style="list-style-type: none"> <li>• Be located away from food and clean storage areas,</li> <li>• Be inaccessible to the public,</li> <li>• Have a lockable door,</li> <li>• Have rigid impervious flooring,</li> <li>• Allow for regular cleaning, and</li> <li>• Prevent odour and vermin.</li> </ul> <p>Details are to be incorporated into the site architectural and hydraulic plans and are required to be submitted to and approved by Council prior to the release of the Construction Certificate.</p> <p><b>Condition Reason:</b> To protect public health.</p>
44.	<p><b>Civil works</b></p> <p>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 &amp; Maritime Services where specified.</p> <ul style="list-style-type: none"> <li>• <b>Lane pavement widening</b> - At the developer's expense, the pavement</li> </ul>

	<p>of Holden Lane shall be widened from boundary to boundary for the full length of the property frontage to Holden Lane. In this regard kerb and gutter is to be provided for the full frontage of the site in Holden Lane generally in accordance with drawing number P171044-DR-CV-001 (5) prepared by STELLEN.</p> <ul style="list-style-type: none"> <li>• Tapers are to be provided to join the existing seal in Holden Lane. The pavement profile shall consist of at least 300mm (subject to detailed testing) compacted thickness of road base quality material plus a minimum 25mm asphalt wearing surface with a concrete dish gutter along the property boundary. Inspection of the road widening is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700mm and replace with approved sand fill. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.</li> <li>• <b>Modification to Grant Street and Holden Lane</b> – these works to be generally in accordance with RoadNet plan SL-01(4)</li> <li>• <b>Reinstatement of existing driveway crossing</b> - All redundant existing kerb and gutter crossings 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 Subdivision Works Certificate/Construction Certificate.</li> <li>• <b>Footpath and Gutter Crossing</b> – The provision of a footpath and gutter crossing for the development. Details are to be in accordance with standard drawing R06 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.</li> </ul> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
45.	<p><b>Car parking &amp; vehicular access</b></p> <p>The development shall provide 26 parking spaces generally in accordance with the layout plan prepared by Kaunitz Yeung Architecture dated 18/12/2023 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 must include a detailed linemarking plan for Tamar Street and Grant Street frontages. In this regard Councils Traffic Engineer must be consulted confirming the configuration of the parking bays.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
46.	<p><b>Car parking for disabled</b></p> <p>The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009 and the BCA. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier prior to issue of the Construction Certificate.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory</p>

	manner so as to protect the amenity and safety of the public.
<b>47.</b>	<b>Equal Access to The Premises</b> Before the issue of a Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 are to be submitted and approved by the Certifier. <b>Condition reason:</b> To ensure access for the development is provided in accordance with the relevant standards and Council's terms of consent.
<b>48.</b>	<b>Vehicle Management Plan</b> 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: <ul style="list-style-type: none"> <li>• The maximum size of vehicles servicing the site.</li> <li>• The service vehicle travel path through the site and associated swept path analysis.</li> <li>• Restrictions on the hours vehicles can service the development.</li> <li>• Signage Plan to ensure <u>10 spaces</u> are available for the use of patients on site only.</li> <li>• Consideration of other services such as waste management, gas bottle storage/services etc.</li> </ul> <b>Condition Reason:</b> To ensure access for the development is provided in accordance with the relevant standards and Council's terms of consent.
<b>49.</b>	<b>Stormwater Management Plan</b> 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 generally accordance with the Site Stormwater Management Plan by Stellen Consulting DR-001. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate. <b>Condition Reason:</b> To ensure stormwater is managed in accordance with Council's DCP.
<b>50.</b>	<b>Operational Plan of Management</b> The applicant shall be required to submit an Operational Plan of Management that will include but not be limited to the following information: <ul style="list-style-type: none"> <li>• Staffing arrangements.</li> <li>• Operating hours.</li> <li>• Site security and access control measures.</li> <li>• Policies and procedures for the keeping of medical supplies.</li> <li>• Noise management measures.</li> <li>• Complaints handling procedures including details of a complaints register.</li> <li>• Details of CCTV surveillance cameras to be installed on site.</li> </ul> Details must be submitted to and approved by Council before to the issue of the Construction Certificate. <b>Condition reason:</b> To ensure that the premises has an Operational Plan of Management.
<b>51.</b>	<b>Landscape Plan</b> A detailed landscape plan for all landscaped areas within the development,

	<p>prepared by a person competent in the field, is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The selection of appropriate plants shall be made generally in accordance with the Ballina Shire Urban Garden Guide.</p> <p><b>Condition reason:</b> To ensure that a landscape plan is provided and compliance with the Ballina Development Control Plan 2012.</p>
52.	<p><b>Flooding</b></p> <p>The whole of the allotment must be filled to a minimum level of RL 2.0 metres AHD and have a minimum proposed floor level of 2.3 metres AHD. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries such that no stormwater is discharged from the site onto the adjoining properties. In addition, the adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. 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 Construction Certificate.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
53.	<p><b>Plans of retaining walls and drainage</b></p> <p>The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage. Such plans and specifications must be approved as part of the Construction Certificate</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
54.	<p><b>Retaining walls and services</b></p> <p>Where retaining walls are located adjacent to water, sewer and drainage pipelines the walls must be designed such that they will be structurally self-supporting when excavation is required to the invert level of the adjoining pipeline or otherwise offset sufficient distance that the retaining wall is beyond the zone of influence of the pipeline. Engineering design drawings and structural certification must be submitted to and approved by Council prior to the issue of the Subdivision Works Certificate.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
55.	<p><b>Sewer Connection (standard)</b></p> <p>The development shall be connected to Council's sewer system in accordance with the Northern Rivers Local Government Development Design &amp; Construction Manuals. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate. One connection only is permitted to Council's sewer</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
56.	<p><b>Trade Waste Application</b></p> <p>The applicant is to submit a Class "A" Trade Waste Application form, in accordance with Section 3.6 of Council's <i>Liquid Trade Waste Policy</i> and <i>NSW Trade Waste Management Guidelines 2021</i> to Ballina Shire Council. The application will be assessed for the appropriate classification and fee. If classified as a B, C or S discharger, further information may be required, and</p>

	<p>the application will require concurrence from NSW Department Climate Change, Energy, the Environment and Water.</p> <p>Appropriate trade waste pre-treatment in accordance with <i>NSW Trade Waste Management Guidelines 2021</i> shall be installed at the premises for each Trade Waste activity.</p> <p><b>Condition Reason:</b> To ensure the appropriate trade waste classification and fee is imposed.</p>
57.	<p><b>Water connection (standard)</b></p> <p>The applicant shall be responsible for all costs associated with the connection of Council's reticulated water supply system to each lot within the development in accordance with the Northern Rivers Local Government Development Design &amp; Construction Manuals. Design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate. One connection only is permitted to Councils watermain.</p> <p>Note – Connection to the existing live water main must be completed by Council. An application for water service shall be submitted to Council, with associated design plans, to cost and complete the works.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
58.	<p><b>Water meter Hydraulic Designs – If the development includes a Fire Service Assembly or More Than 3 Residential Units or 32 mm Assemblies or Greater</b></p> <p>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.</p> <p><b>Condition Reason:</b> to ensure the development is serviced with adequate infrastructure.</p>
59.	<p><b>Water backflow prevention (Industrial &amp; Commercial refurbishments)</b></p> <p>The sites containment backflow prevention shall be to current standards as per AS/NZS 3500 and Councils Backflow Prevention Policy. The design must be certified by a suitably qualified professional and submitted to and approved by Council prior to the issue of a Construction Certificate.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>i. Water connections not required to service this development must be disconnected in accordance with Council requirements.</li> <li>ii. Testable backflow devices will be required to be tested and certified annually by a suitably qualified NSW licensed plumber and the annual certificate submitted to Council.</li> </ul> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
60.	<p><b>Civil Inspection Fee, Section 138 Approval Fee &amp; Construction Bond</b></p> <p>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:</p>



	<ul style="list-style-type: none"> <li>• Section 138 Fee</li> <li>• Civil Inspection Fee</li> <li>• Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000)</li> </ul> <p>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.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
61.	<p><b>Asset listing</b></p> <p>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.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
62.	<p><b>Redundant infrastructure</b></p> <p>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.</p> <p><b>Condition Reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
63.	<p><b>Long Service Levy</b></p> <p>In accordance with Section 4.28 and 6.8 of the EP&amp;A Act 1979, a Construction Certificate is 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 0.25% of the cost of the construction works costing \$250,000 or more. Works less than \$250,000 are not subject to the levy.</p> <p><b>Condition reason:</b> To ensure the long service levy is paid.</p>
64.	<p><b>Section 68 Approval</b></p> <p>A Section 68 Application for Plumbing and Drainage works, under the provisions of the Local Government Act 1993, must be submitted to Council for approval and approval obtained prior to the issue of the Construction Certificate.</p> <p>Hydraulic drawings, prepared by a hydraulics consultant, must be submitted with the Plumbing and Drainage Section 68 application. Hydraulic drawings must address all water supply services, sanitary plumbing &amp; drainage, stormwater drainage, trade waste and fire services.</p> <p>Approval will require a Section 68 application to be made via the NSW Planning Portal and include all relevant details and payment of the application, inspection and associated fees.</p> <p><b>Condition reason:</b> To comply with the Local Government Act 1993.</p>

## BEFORE CONSTRUCTION WORK COMMENCES

	Conditions
65.	<b>Issue of Construction Certificate</b> <p>The erection of a building under the terms and conditions of this Development Consent must not be commenced until:</p> <ul style="list-style-type: none"> <li>(a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: <ul style="list-style-type: none"> <li>(i) A Council Registered Certifier; or</li> <li>(ii) A Privately Registered Certifier</li> </ul> </li> <li>(b) A Principal Certifier has been appointed. and,</li> <li>(c) If Council is not the Principal Certifier, the person having the benefit of the development consent has notified the Council of the appointment of the Principal Certifier and</li> <li>(d) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.</li> </ul> <p><b>Condition reason:</b> To ensure the building works is authorised by the issue a Construction Certificate and a Principal Certifier is appointed.</p>
66.	<b>Certificate Registration Fee</b> <p>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 work commencing.</p> <p><b>Condition reason:</b> To ensure that the relevant fee is paid to Council where required.</p>
67.	<b>Notice of Commencement of Civil Works</b> <p>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.</p> <p><b>Condition reason:</b> To ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979, and Council's terms of consent.</p>
68.	<b>Community Notification</b> <p>A community notification leaflet shall be drafted by the applicant and approved by Council. The Council approved community notification leaflet shall be issued to nearby residents who may be impacted by the works at least 14 days prior to works commencing. The community notification leaflet should include:</p> <ul style="list-style-type: none"> <li>a) A brief summary of approved works</li> <li>b) Project duration and approved construction hours</li> <li>c) Contact details for complaints and enquiries</li> <li>d) Any other relevant information such as traffic management etc.</li> </ul> <p><b>Condition reason:</b> To protect the public and the surrounding environment, during site works and construction.</p>
69.	<b>Survey Peg-out</b> <p>A survey peg-out is to be carried out by a Registered Surveyor to establish the correct position of the boundaries of the allotment before any building work commences. The building is to be located clear of Council easements and sewer mains.</p> <p><b>Condition reason:</b> To ensure the development is sited in the approved location</p>
70.	<b>Traffic control</b> <p>All traffic control shall be in accordance with the Roads and Maritime Services</p>

	<p>"Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design &amp; inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name &amp; Certificate Number. Details are to be submitted to Council prior to the commencement of construction.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
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### DURING CONSTRUCTION WORK

	Conditions
<b>71.</b>	<p><b>Hours for Work</b></p> <p>The hours of operation for any noise generating construction activity (including the delivery/removal of materials to and from the site) on the proposed development are to be limited to within the following times:</p> <p style="padding-left: 40px;">Monday to Friday      7.00am to 6.00pm</p> <p style="padding-left: 40px;">Saturday                      8.00am to 1.00pm</p> <p><b>Excavation works are restricted to 8.00 am to 5.00 pm Monday to Friday only.</b></p> <p>Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.</p> <p><b>No noise generating construction/demolition activities are to take place on Sundays or public holidays.</b></p> <p><b>Condition reason:</b> To protect public amenity.</p>
<b>72.</b>	<p><b>Vehicular Access</b></p> <p>A single all weather accessway is to be provided on site that extends from the Tamar Street kerb to the building construction site. All construction vehicles are to enter and exit the site via this accessway to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. Roadways shall be kept swept clean and free of sediment material</p> <p><b>Condition reason:</b> to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>73.</b>	<p><b>Shake Down Grid</b></p> <p>The construction access to the site shall have a shake down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site.</p> <p><b>Condition reason:</b> To protect public health and the environment</p>
<b>74.</b>	<p><b>Equipment storage</b></p> <p>There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without prior written consent of Council.</p> <p><b>Condition reason:</b> to protect the amenity and safety of the public.</p>
<b>75.</b>	<p><b>Construction Environmental Management Plan</b></p> <p>During construction the applicant shall comply with the requirements of the <b>Construction Environmental Management Plan</b> approved prior to the issue of the Construction Certificate.</p> <p><b>Condition reason:</b> to protect the amenity and safety of the public.</p>
<b>76.</b>	<p><b>Noise Control</b></p>

	<p>All work, including demolition, excavation and building work shall comply with Australian Standard AS 2436:2010 <i>Guide to Noise Control on Construction, Maintenance and Demolition Sites</i> and <i>NSW Interim Construction Noise Guidelines</i> (DECC 2009).</p> <p><b>Condition reason:</b> To protect public amenity.</p>
77.	<p><b>Site contamination</b></p> <p>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.</p> <p><b>Condition reason:</b> To protect public health.</p>
78.	<p><b>Excavation</b></p> <p>If a development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:</p> <p>a) protect and support the adjoining premises from possible damage from the excavation, and</p> <p>b) where necessary, underpin the adjoining premises to prevent any damage.</p> <p>Should the owner of the adjoining land be the same person with the benefit of the development consent, or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
79.	<p><b>Construction Site Waste Minimisation and Management Plan.</b></p> <p>All construction and demolition waste must be handled and disposed of in accordance with the approved Construction and Demolition Site Waste Minimisation and Management Plan.</p> <p><b>Condition reason:</b> To protect public health and the environment</p>
80.	<p><b>Erosion and Sediment Control</b></p> <p>Soil erosion and sediment control measures shall be designed, installed, and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004</p> <p><b>Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.</b></p> <p><b>Condition Reason:</b> To protect the environment.</p>
81.	<p><b>Site toilet</b></p> <p>For the purposes of health and amenity, a temporary builder's toilet is to be provided on site at commencement of work. Such facility is to be either connected to Council's sewer or a suitable approved portable chemical closet is to be provided.</p> <p><b>Condition reason:</b> To protect public health and amenity.</p>
82.	<p><b>Storage of Equipment and building supplies</b></p> <p>There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior consent of Council being obtained.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
83.	<p><b>Stockpiles - EHO</b></p> <p>Suitable covering and protection must be provided to all stockpiles and exposed soils to ensure that no material is removed from the site by wind. The construction works must not cause fugitive dust emission that can be visibly</p>

	observed to be moving offsite and beyond the boundary of the construction site. <b>Condition Reason:</b> To protect public health and amenity.
84.	<b>Traffic Control</b> 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). <b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.
85.	<b>Acid Sulfate Soils</b> The Acid Sulfate Soil Management Plan prepared by Ecoteam dated June 2024 approved by the Principal Certifier must be implemented in full during the construction period. <b>Condition Reason:</b> To protect public health and the environment
86.	<b>Excavation</b> Further to excavation and treatment, soils which will be removed from the site must: <ul style="list-style-type: none"> <li>be treated, assessed, and classified by a suitably qualified person in accordance with waste classification guidelines Part 4: Acid sulfate soils.</li> </ul> <b>Condition Reason:</b> To protect public health and the environment
87.	<b>Dewatering</b> 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. <b>Note:</b> Dewatering activities may require a license issued by the NSW Office of Water. <b>Condition Reason:</b> To protect public health and the environment
88.	<b>Filling of the site</b> The whole of the allotment is to be filled to a minimum level of RL 2.00 With the finished floor height of the building at RL 2.60 Metres AHD. A surveyor's certificate verifying compliance with these heights is to be submitted to the Principal Certifying Authority at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor prior to work proceeding beyond these stages. <b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.
89.	<b>Fill Material</b> 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 <b>Condition Reason:</b> To protect public health and the environment
	<b>Earthworks &amp; Filling</b> All earthworks and filling shall be in compliance with the requirements of a Level 1 inspection and testing regime in accordance with:

	<ul style="list-style-type: none"> <li>• AS 3798 – (current version) Guidelines on Earthworks for Commercial and Residential Developments – Table 8.1</li> <li>• AS 2870 – (current version) Residential Slabs and Footings Code</li> </ul> <p><b>Note</b> - 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 &amp; 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).</p> <p><b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>90.</b>	<p><b>Civil Works</b></p> <p>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 &amp; Maritime Services where specified. Inspections and approval of the road, drainage, water &amp; sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.</p> <p><b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>91.</b>	<p><b>Inspection (water and sewer)</b></p> <p>Council's Engineer must inspect and approve construction works associated with the connection of the development to Council's water and sewer mains. Council's Engineer must be contacted on telephone 6686 4444 at the time of the excavation and connection.</p> <p><b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>92.</b>	<p><b>Sewer junction</b></p> <p>If determined during construction the site does not have a sewer junction that complies with Council's standards then the applicant shall be responsible for all costs associated with the connection of Council's sewer system to the site in accordance with the Northern Rivers Local Government Development Design &amp; Construction Manuals. Design plans are to be submitted to and approved by Council prior to commencement of these construction works.</p> <p><b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>93.</b>	<p><b>Inspection (footpath and gutter crossing)</b></p> <p>Council's Engineer must inspect and approve works associated with the construction of the footpath and gutter crossing for the development. Council's Engineer must be contacted on telephone 6686 4444 at the time of excavation and at least 24 hours prior to the concrete pour.</p> <p><b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<b>94.</b>	<p><b>Implement stormwater Management Plan</b></p> <p>The applicant shall be required to implement the approved Stormwater Management Plan to ensure that the stormwater system maintains a nil pollutant load increase during the construction phase. Detailed reporting must be submitted to The Principal Certifier during the construction phase to demonstrate compliance with the requirements of the approved Stormwater</p>

	Management Plan.
	<b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.
<b>95.</b>	<b>Damage to Council infrastructure</b>
	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.
	<b>Condition Reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.

### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Conditions
<b>96.</b>	<b>Civil Works</b>
	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.
	<b>Condition reason:</b> To ensure the associated civil works have been constructed and installed in accordance with the approvals prior to occupation.
<b>97.</b>	<b>Driveway construction</b>
	The driveways and parking bays within the development are to be constructed of reinforced concrete or similar paved material. 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.
	<b>Condition reason:</b> To provide guidance for the development construction outcomes and to inform the construction design consultants.
<b>98.</b>	<b>Car parking (standard)</b>
	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.
	<b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.
<b>99.</b>	<b>Car parking (disabled)</b>
	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
	<b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.
<b>100.</b>	<b>Stormwater</b>
	Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifier that all stormwater works have been provided in

	<p>accordance with the approved Construction Plan. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
101.	<p><b>Filling of the site</b></p> <p>Prior to the issue of the Occupation Certificate, certification must be submitted 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 &amp; AS 3798. In addition, certification must also be provided 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 must be provided).</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
102.	<p><b>Water and Sewer</b></p> <p>The applicant shall be responsible for completing all water supply and sewer works in accordance with the approved Construction Plans and the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
103.	<p><b>Works as executed (asset listing)</b></p> <p>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.</p> <p><b>Condition reason:</b> To ensure the associated civil works have been constructed and installed in accordance with the approvals prior to occupation.</p>
104.	<p><b>Maintenance bond</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>Civil Maintenance Bond: Equal to 5% of the estimated cost of the civil works (Refer to Council's Schedule of Fees &amp; Charges for minimum fees)</li> </ul> <p>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.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
105.	<p><b>Works as executed (drawings)</b></p> <p>After works 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</p>



	<p>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.</p> <p><b>Condition reason:</b> To ensure the associated civil works have been constructed and installed in accordance with the approvals prior to occupation.</p>
106.	<p><b>Lot consolidation and land dedication</b></p> <p>Prior to the issue of an Occupation Certificate, a survey plan is to be registered with NSW Land &amp; Property Information demonstrating consolidation of the existing land parcels covering the development site into one allotment and a 6m wide strip of land along the full length of the Tamar Street frontage is dedicated to Council.</p> <p><b>Condition reason:</b> To ensure the land identified on the road widening policy map has been dedicated to Council and that all building works approved are wholly contained within a single parcel of land.</p>
107.	<p><b>Dilapidation report</b></p> <p>Prior to the issue of an Occupation Certificate, the applicant shall engage a certified practising Engineer to prepare a Post-Construction Dilapidation Report at the completion of construction works for the development. This report must ascertain whether the construction works created any structural damage to all existing adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate for the development. A copy of the report must also be forwarded to Council. Any structural damage identified under the dilapidation report as being caused by the development must be repaired by the applicant to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
108.	<p><b>Backflow prevention certification</b></p> <p>Prior to the issue of an Occupation Certificate the device shall be commissioned and certified by a licensed NSW plumber who holds the required backflow prevention qualifications. Certification must be submitted to Council.</p> <p><b>Condition reason:</b> To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
109.	<p><b>Mosquito Management</b></p> <p>In accordance with Ballina Shire Development Control Plan Chapter 2 Section 3.6 'Mosquito Management' all windows, external doors and other openings in buildings comprising accommodation must be provided with effective insect screening. The inlet and outlet of all rainwater tanks must also be screened with durable materials to prevent entry to the tank by mosquitoes</p> <p><b>Condition Reason:</b> To ensure the development is in accordance with Ballina DCP 2012 Chapter 2 Part 3.6 'Mosquito Management'</p>
110.	<p><b>Trade Waste Approval</b></p> <p>Prior to the operational use of the facility, the Applicant must ensure that all pre-treatment equipment as outlined in the Trade Waste Approval is installed, inspected, and commissioned. A pre-operation inspection is required by Council that demonstrates compliance with the requirements of the Trade Waste approval, prior to the issue of an Occupation Certificate.</p> <p><b>Condition Reason:</b> to ensure compliance with the requirements of the Trade Waste approval have been met.</p>
111.	<p><b>Landscaping to accord with plan</b></p> <p>Prior to the issue of an Occupation Certificate, the site is to be landscaped, including turfing of the site and the undertaking of appropriate plantings in</p>

	accordance with the approved Landscape Plan.
	<b>Condition reason:</b> To complement the development and prevent erosion of soil.
<b>112.</b>	<b>Repair of Infrastructure</b> Before the issue of an Occupation Certificate: (a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or (b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent. <b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.
<b>113.</b>	<b>Final Fire Safety Certificate</b> At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate. <b>Condition reason:</b> to ensure the safety of persons in the event of a fire by verifying all essential services listed on the Fire Safety Schedule have been installed to the required standards and tested for correct operation.

### OCCUPATION AND ONGOING USE

	Conditions		
<b>114.</b>	<b>Hours of Operation</b> The hours of operation of the development as approved via this consent are restricted to the following hours: <table border="1"> <tr> <td><b>Medical Centre</b></td><td>Monday to Friday - 8am – 6.00pm</td></tr> </table> <b>Condition reason:</b> To ensure the environmental quality of neighbouring land is not adversely affected, such as by the development.	<b>Medical Centre</b>	Monday to Friday - 8am – 6.00pm
<b>Medical Centre</b>	Monday to Friday - 8am – 6.00pm		
<b>115.</b>	<b>Use of Buildings</b> The buildings are not to be used for any purposes other than as indicated on the approved plans. <b>Condition reason:</b> To ensure the buildings are only occupied for the approved use.		
<b>116.</b>	<b>Amenity of Locality</b> The land use on site shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, odours, fumes, smoke, vapour, steam, dust, water, waste products and the like. <b>Condition reason:</b> To ensure that the development does not interfere with the amenity of the locality.		
<b>117.</b>	<b>Landscaping</b> All landscaped areas in accordance with the approved plans shall be maintained for the perpetuity of the development in a suitable manner. <b>Condition Reason:</b> To ensure that the development is in accordance with the		

	approved plans.
118.	<b>Annual Fire Safety Statement</b>
	Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.
	<b>Condition reason:</b> To ensure the safety of persons in the event of a fire by verifying all essential services listed on the Fire Safety Schedule have been inspected and tested by a competent person and were found to be operating to the minimum standard required by the current Fire Safety Schedule.
119.	<b>Operational Management Plan</b>
	Operational management activities at the site shall be in accordance with the approved Operational Management Plan (OMP).
	<p>The occupier of the premises must—</p> <ul style="list-style-type: none"> <li>(a) ensure that there is a current management plan for the premises that is in accordance with the approved Operational Management Plan, and</li> <li>(b) designate an appropriate person or persons responsible for implementing and monitoring the plan, and</li> <li>(c) ensure that the plan is retained on the premises, and</li> <li>(d) make the plan available, on the request of the appropriate regulatory authority, for inspection and copying</li> </ul>
	<b>Condition Reason:</b> To protect public health and the amenity in the area.
120.	<b>Operational Waste Management Plan for Healthcare Facilities</b>
	Operational waste management activities at the site shall be in accordance with the Operational Waste Management Plan (OWMP) prepared by ELEPHANTS FOOT CONSULTING. PTY LTD, Revision G dated 19 September 2024.
	<p>The occupier of the premises must—</p> <ul style="list-style-type: none"> <li>(a) ensure that there is a current waste management plan for the premises that is in accordance with the Waste Management Guidelines for Health Care Facilities, and</li> <li>(b) designate an appropriate person or persons responsible for implementing and monitoring the plan, and</li> <li>(c) ensure that the plan is retained on the premises, and</li> <li>(d) make the plan available, on the request of the appropriate regulatory authority, for inspection and copying</li> </ul>
	<b>Condition Reason:</b> To protect public health and the amenity in the area.
121.	<b>Noise Impact Assessment</b>
	Operational activities at the site shall be in accordance with the recommendations of the Noise Impact Assessment report prepared by Acoustic Logic dated 24 September 2024. Mechanical plant must be located and or treated to comply with the intrusive noise criteria for the day, evening and night periods which have been identified in Table 4-2 of the Acoustic Logic dated 24 September 2024 report
	<b>Condition Reason:</b> To protect the amenity in the area.

122.	<b>Acoustic Assessment</b>
	The development shall not cause a noise nuisance to any other person. Following occupation, should complaints of a noise nuisance be justified, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given by Council.
	<b>Condition Reason:</b> To protect the amenity in the area.
123.	<b>External Lighting</b>
	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".
	<b>Condition Reason:</b> To protect the amenity in the area.
124.	<b>Traffic Movements</b>
	Vehicles servicing the development (including deliveries and waste collection) shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays. All vehicles servicing the site are to enter and leave the site in a forward direction.
	<b>Condition reason:</b> To protect the amenity in the area.
125.	<b>Loading and Unloading</b>
	All loading and unloading in connection with the development shall be carried out wholly within the site.
	<b>Condition reason:</b> To protect the amenity in the area.
126.	<b>Deliveries And Waste Collection Times</b>
	During ongoing use of the medical centre , all deliveries, waste and recycling collection carried out by heavy vehicles on the site must: a) only occur in designated loading and unloading areas on the property; b) not occur on the street; c) not obstruct other operations; d) minimise disruption to public spaces; e) maintain clear car parking spaces and access driveways at all times; and ensure all vehicles enter and leave in a forward direction
	<b>Condition reason:</b> To ensure public safety.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#)

The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work must not be carried out until a construction certificate has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Essential Energy

The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. Information relating to developments near electrical infrastructure is available on Essential Energy website -Development Applications ([essentialenergy.com.au](http://essentialenergy.com.au)). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments ([essentialenergy.com.au](http://essentialenergy.com.au)) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

The applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](http://essentialenergy.com.au/lookupandlive).

