

ATTACHMENT A – Draft Conditions of Consent

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.	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Dwg number	Revision	Plan title	Drawn By	Date of plan
	2B	B	Context Plan & Site Analysis	armstrong & Co Architects	10/03/2025
	3B	B	Site Plan - Existing	armstrong & Co Architects	10/03/2025
	4B	B	Site Plan - Proposed	armstrong & Co Architects	10/03/2025
	5C	C	Proposed Ground Floor Plan	armstrong & Co Architects	05/05/2025
	6B	B	Proposed First Floor Plan	armstrong & Co Architects	10/03/2025
	7A	B	Proposed Roof Plan	armstrong & Co Architects	10/03/2025
	8A	B	Streetscape	armstrong & Co Architects	10/03/2025
	9B	B	Materials & Colours	armstrong & Co Architects	10/03/2025
	10B	B	Elevations	armstrong & Co Architects	10/03/2025
	11B	B	Sections	armstrong & Co Architects	10/03/2025
	S01	-	Contour & Detail	Ardill Payne	08/08/2022
	C01	G	Car Park Design Layout Plan with levels	Ardill Payne	10/03/2025
	C02	G	Erosion & Sediment Control Plan	Ardill Payne	10/03/2025
C03	G	Erosion & Sediment Control Standard Details	Ardill Payne	10/03/2025	
C04	G	Driveway Crossover	Ardill Payne	10/03/2025	
C05	G	Car Park Cut & Fill Analysis	Ardill Payne	10/03/2025	

	C06	G	Combined Services Drawing	Ardill Payne	10/03/2025
	C07	G	Stormwater Management Plan Sheet 1 – Design Layout	Ardill Payne	10/03/2025
	C08	G	Stormwater Management Plan Sheet 2 – Longitudinal Sections	Ardill Payne	10/03/2025
Approved documents					
Document title			Version number	Prepared by	Date
Landscape Plan			B	8LA landscape architecture	14/03/2024
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.					
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.					
2.	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989				
	<ol style="list-style-type: none"> 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 day on which the application for the construction certificate was made. 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— <ol style="list-style-type: none"> (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. 				
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.				
3.	Compliance with the National Construction Code.				
	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</i>				

	<p>(NCC), 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.</p>
	<p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
4.	<p>Erection of signs</p> <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>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
5.	<p>Shoring and adequacy of adjoining property</p> <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>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
6.	<p>Stabilisation of earthworks</p> <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-</p>

	<p>vegetated on completion.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
7.	<p>Driveway Construction</p> <p>The driveways and parking bays within the development must be constructed of reinforced concrete or similar paved material. All driveway areas must 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.</p> <p>Condition reason: To ensure safe and compliant construction of civil works</p>
8.	<p>Signage</p> <p>This consent authorises the erection of the business identification sign as shown on the stamped approved plans, located on the feature wall. The signage must not be illuminated.</p> <p>Condition reason: To ensure signage remains consistent with the approved plans, protects the visual amenity of the area, and avoids adverse impacts from illuminated signage on surrounding properties.</p>
9.	<p>No Signs Without Approval</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>Condition reason: To ensure compliance with the provisions of Council's terms of consent.</p>
10.	<p>Crime Prevention through Environmental Design</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"> • The proposed development indicates that landscaping will be incorporated into the development. To ensure and promote visibility and surveillance opportunities it is recommended that the proposed landscaping is maintained to prevent it becoming overgrown and reduce concealment areas. • Ensure landscaping plants in areas along pathways and other areas used by the premises consist of low-lying plants to ensure open sightlines and reduce concealment areas. • Promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as bulky items of street furniture, placement of garbage bins, and any other items that may provide concealment areas. • Installation of a quality CCTV system is encouraged that covers all public/shared spaces, including the underbuilding car park. The Installed CCTV cameras should be placed in areas to capture a person's face and be of sufficiently high resolution to discern facial features and clothing details. Staff should be trained to review and download images should Police require them. • Ensure that the CCTV cameras can be remotely monitored by staff and/or a

	<p>reputable security company.</p> <ul style="list-style-type: none"> • Installation of adequate external lighting around the proposed exterior and under the building in the carpark and at the entry/exit points. • Ensure that lighting utilised does not produce glare or dark shadows and be orientated to illuminate potential threats or suspects accessing the location rather than impede those that may be within the proposed development observing or looking out. • Ensure that damaged lighting both internally and externally is repaired or replaced in a timely manner. • Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to members of the public. • Keep areas under windows free of any structures that can be climbed on to gain access to the facility. • Display signage at the main public entry stating that no medication is stored on the premises. <p>Condition reason: To ensure that the development is provided with suitable crime prevention measures.</p>
11.	<p>Waste Management</p> <p>All waste management, including operational and construction, shall be in accordance with the Site Minimisation and Management Plan (SWMMP) prepared by HMC Environmental Consulting Pty Ltd, dated 1 July 2024.</p> <p>In the event of any inconsistency between the SWMMP and the stamped approved plans, the stamped approved plans prevail with respect to the location of bin storage areas.</p> <p>Condition reason: To ensure adequate management practices are implemented.</p>
12.	<p>Waste Storage</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>Condition reason: To ensure that an adequate level of amenity is maintained for other properties.</p>
13.	<p>Materials</p> <p>The development must incorporate the following sustainability and energy efficiency measures:</p> <ul style="list-style-type: none"> • Use of recycled and recyclable materials where practicable, including internal finishes (wall/ceiling linings, floor coverings, partition framing) and external finishes (steel roofing/wall cladding, fibre cement sheeting). • Installation of solar panels for renewable energy generation and storage. • Provision of low-energy light fittings, with lighting zoned in banks to maximise natural light use. • Access to natural light and cross-ventilation in all habitable spaces, with minimal east/west glazing or sunscreens to reduce heat gain. • External walls constructed with insulated double-wall framing to reduce heat transfer. • Appropriate metering to monitor and manage energy use. • Installation of low-flow taps, toilets, and shower fittings. <p>Condition reason: To ensure the development incorporates measures to improve environmental sustainability, energy efficiency and water conservation.</p>
14.	<p>Rainwater Use</p> <p>The rainwater storage tanks are to be configured to supply rainwater to all toilets on</p>

	the premises and to at least two outdoor taps to any landscape irrigation system. Condition reason: To preserve water and protect the environment.
15.	Essential Energy Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property should be complied with. Condition reason: To ensure that restrictions on the title that relate to Essential Energy are complied with.
16.	Essential Energy 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. Condition reason: To ensure that the development complies with ISSC 20 Guidelines for the Management of Activities within Electricity Easement and Close to Infrastructure.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Conditions													
17.	<p>Developer Contributions</p> <p>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 & Assessment Act, 1979:</p> <p>The charges are currently guided by the following development servicing plans:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Contribution Plan/Development Servicing Plan</th> <th style="text-align: left;">Adopted</th> </tr> </thead> <tbody> <tr> <td>Cumbalum Urban Release Area Precinct A Contributions Plan 2015</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> </tbody> </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 www.ballina.nsw.gov.au.</p> <p>The Contribution amounts applicable at the time this consent is issued are as per the attached Ballina Shire Council Contributions Advice.</p> <p>Condition reason: To ensure developer contributions are paid in accordance with Council's contribution plan.</p>	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
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18.	<p>Developer Charges</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</p>												

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 February 2023

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 as per the **attached** Ballina Shire Council Contributions Advice.

Condition reason: To ensure developer contributions are paid in accordance with the Development Servicing Plan.

19.

Civil Works

Before the issue of the Construction Certificate, engineering design drawings must be submitted to and approved by Council for the following works required by this consent under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act.

- Footpath - The provision of a concrete footpath a minimum of 1.35 metres wide along the entire Commercial Road frontage of the site. The footpath is to be designed and constructed in accordance with Standard Drawing R07 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council before the issue of the Construction Certificate.
- Footpath and gutter crossing - The provision of a footpath and gutter crossing

	<p>for the development. Details are to be in accordance with Standard Drawing R05 and R06 of Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council before the issue of the Construction Certificate.</p> <ul style="list-style-type: none"> Reinstatement of existing driveway crossing - The existing kerb and gutter crossing in Commercial Road 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 before the issue of the Construction Certificate.
	<p>Condition reason: To ensure compliance with the Northern Rivers Local Government Development Design and Construction Manuals.</p>
20.	<p>Car parking & vehicular access</p> <p>The development must provide 21 car parking spaces on-site. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure adequate parking is provided to service the development and parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>
21.	<p>Bicycle racks</p> <p>A bicycle rack, capable of supporting a minimum of three bicycles must be provided close to the entrance of the development. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure secure and convenient parking is provided for bicycles.</p>
22.	<p>Car parking for Persons with a Disability</p> <p>The design of all car parking spaces for persons with a disability are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifier before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard.</p>
23.	<p>Equal Access to The Premises</p> <p>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.</p> <p>Condition reason: To ensure access for the development is provided in accordance with the relevant standards and Council's terms of consent.</p>
24.	<p>Stormwater Management Plan</p> <p>The provision of stormwater controls on site shall be in accordance with the Site Stormwater Management Plan by Ardill Payne & Partners, Revision: 2, Dated:10 March 2025. A detailed design must be submitted to and approved by the Principal Certifier before the issue of Construction Certificate.</p> <p>Condition reason: To ensure stormwater is managed in accordance with Council's DCP.</p>

25.	<p>Trade Waste Application</p> <p>The applicant is to submit a Class “A” Trade Waste Application form, in accordance with <i>Section 3.6 of Council’s 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 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>Condition reason: To ensure the appropriate trade waste classification and fee is imposed.</p>
26.	<p>Water Meter Hydraulic Designs</p> <p>The developer must 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 before the issue of a Construction Certificate.</p> <p>Condition reason: To ensure the development is serviced with adequate infrastructure and prevent contamination of Councils reticulated water supply.</p>
27.	<p>Civil Inspection Fee, Section 138 Approval Fee & Construction Bond</p> <p>Before 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"> • Section 138 Fee • Civil Inspection Fee • Civil Construction Bond: Equal to 5% of the estimated cost of civil works (min \$1,000) <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>Condition reason: To ensure required documentation is provided and relevant fees are paid.</p>
28.	<p>Asset listing</p> <p>Before the submission of the Construction Certificate application an electronic listing of all public road, stormwater, water and sewer assets generated by the development shall be submitted to Council via the Asset Spreadsheet (available on Council's website). The asset spreadsheet is used to generate a Section 138 Fees and Charges quote which is payable on submission of the Construction Certificate application.</p> <p>Condition reason: to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
29.	<p>Redundant infrastructure</p>

	<p>All existing sewer infrastructure made redundant as a result of the development must be decommissioned and completely removed from the site. Engineering design drawings must be submitted to and approved by Council before the issue of the Construction Certificate.</p> <p>Condition reason: To ensure all redundant infrastructure is removed from the site.</p>
30.	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy of 0.25% of the development cost, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of this payment is to be provided to the certifier.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
31.	<p>Section 68 Approval</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 & 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>Condition reason: To comply with the Local Government Act 1993.</p>

BEFORE CONSTRUCTION WORK COMMENCES

Conditions	
32.	<p>Issue of Construction Certificate</p> <p>The erection of a building under the terms and conditions of this Development Consent must not be commenced until:</p> <p>(a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:</p> <p style="padding-left: 40px;">(i) A Council Registered Certifier; or</p> <p style="padding-left: 40px;">(ii) A Privately Registered Certifier</p> <p>(b) A Principal Certifier has been appointed. and,</p> <p>(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</p> <p>(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.</p> <p>Condition reason: To ensure the building works is authorised by the issue a Construction Certificate and a Principal Certifier is appointed.</p>
33.	<p>Notice of Commencement of Civil Works</p> <p>Before 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>Condition reason: To inform Council of works commencing and confirm Public Liability Insurance.</p>

34.	Survey Peg-out A survey peg-out is to be carried out by a Surveyor to establish the correct position of the boundaries of the allotment before any building work commences, unless all existing survey pegs can be located. The building is to be located clear of Council easements and sewer mains. Condition reason: To ensure the development is sited in the approved location.
35.	Sewer junction location The applicant/builder is to locate the sewer junction before commencement of works to confirm the correct location and fall to such junction so as to ensure the building can be connected to Council's sewer main. Condition reason: To ensure the sanitary drainage of building is able to be connected to Council's sewer infrastructure.
36.	Traffic control All traffic control must be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council before the commencement of construction. Condition reason: To ensure safe traffic control while construction work is being carried out.

DURING CONSTRUCTION WORK

Conditions	
37.	Hours for Work For the purposes of residential amenity, any building work involving the use of noisy mechanical plant and noisy equipment must only be carried out within the following hours: <ul style="list-style-type: none"> • Monday to Friday: 7.00am to 6.00pm • Saturdays: 8.00am to 1.00pm • Sundays & Public Holidays: No noisy work at all Condition reason: To protect public amenity.
38.	Noise Management 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). Condition reason: To minimise noise impacts on sensitive receivers and protect public health during construction works.
39.	Soil Management While site work is being carried out the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: <ul style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be report to the principal certifier. b) All fill material imported to the site must be:

	<p>i) Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or</p> <p>ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p> <p>a combination of Virgin Excavated Natural material as defined in Schedule 1 of the <i>Protection of the Environment operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
40.	<p>Waste Management</p> <p>The export/import of waste (including fill or soil) to and from the site must be in accordance with:</p> <p>a) the provisions of the <i>Protection of the Environment Operations Act 1997</i>, <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or</p> <p>b) current Resource Recovery Orders and Exemptions.</p> <p>Any material that is the subject of a resource recovery exemption and order received at the development site must 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.</p> <p>Condition reason: To protect the environment and public health.</p>
41.	<p>Site contamination</p> <p>Any new information that becomes known during 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>Condition reason: To protect public health.</p>
42.	<p>Site toilet</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>Condition reason: To protect public health and amenity.</p>
43.	<p>Waste Management</p> <p>All demolition, construction or the like waste is to be transported and disposed of to an approved waste facility (and not stored or stockpiled on the site). If alternative disposal methods are sought, the prior written approval of Council must be obtained. Waste is not to be stored or stockpiles on the site and must be disposed of to an approved waste facility.</p> <p>Condition reason: To protect public health and the environment.</p>
44.	<p>Pollution Prevention</p> <p>To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place at 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</p>

	<p>include:</p> <ul style="list-style-type: none"> • An all weather access way is to be provided on site that extends from the kerb to the building construction site. All construction vehicles are to enter and exit the site via the access way so as to minimise the movement of soil onto the roadway. Roadways drains and gutters must be regularly swept, cleaned and maintained free of soils and sediments at all times. • A suitable waste container for holding lightweight building materials is to be provided during the course of the building work. Building waste must be regularly cleaned up and placed in the waste container. • Sediment and erosion control measures are to be installed and maintained throughout the construction process and beyond by the owner, where necessary to prevent soil erosion and the transportation of sediment material into any roadway, drainage systems, watercourses and 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. • 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. <p>Soil erosion and sediment control measures must be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.</p> <p>Daily inspections of all erosion, dust and sediment controls must be carried out to ensure they are adequately maintained. Inspections of all such controls must also be carried out prior to the onset of heavy rain.</p> <p>Condition reason: To protect the environment.</p>
<p>45.</p>	<p>Excavation</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 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>Condition reason: To ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.</p>
<p>46.</p>	<p>No storage on public land</p> <p>There shall be no storage of building materials, plant or equipment on the road, footway or public areas without prior written consent of Council.</p> <p>Condition reason: To ensure public safety and protection of Council land.</p>
<p>47.</p>	<p>Stockpiles</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 observed to be moving offsite and beyond the boundary of the construction site.</p>

	Condition reason: To protect public health and amenity.
48.	Inspection footpath and driveway works
	Inspection and approval of the footpath and driveway works approved within the road reserve is required by Council's Engineer (Ph 1300 864 444).
	Condition reason: To ensure safe and compliant construction of civil works.
49.	Sewer Realignment and Reconnection
	The existing Council sewer main traversing the site must be realigned in accordance with the approved Section 68 design by Ardill Payne & Partners, Job No: 11406, Dwg No's: C01, C02 & C03, Revision: A. Council's Engineer must be contacted on telephone 1300 86 4444 prior to commencement of these works to coordinate inspections.
	Condition reason: To ensure development is serviced by sewer infrastructure.
50.	Redundant Sewer Infrastructure
	All existing sewer infrastructure made redundant as a result of the development must be decommissioned and completely removed from the site. Council's Engineer must be contacted on telephone 1300 86 4444 prior to commencement of these works to coordinate inspections.
	Condition reason: To ensure all redundant infrastructure is removed from the site.
51.	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 86 4444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.
	Condition reason: To ensure safe and compliant construction of civil infrastructure for public safety.
52.	Excavation on Public Land
	All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.
	Condition reason: To ensure excavation on public land occurs safely and to protect life and property.
53.	No occupation without Occupation Certificate
	The building, or any new part of the building, is not to be occupied without the issue of an Occupation Certificate.
	Condition reason: To ensure the building safe to occupy.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Conditions	
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, are to be completed to the satisfaction of Council before issue of an Occupation Certificate.
	Condition reason: To ensure civil works are completed safely in accordance with the approved Construction Certificate and Section 138.

55.	Car parking Certification
	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 before the issue of the Occupation Certificate. Condition reason: To ensure car parking and vehicular access is completed to the approved standard.
56.	Car parking for People with a Disability
	The construction of all car parking spaces for people with a disability 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 before the issue of the Occupation Certificate. Condition reason: To ensure all car parking for people with a disability is completed to the approved standard.
57.	Completion of Stormwater Works
	Before 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 and the approved Stormwater Management Plan. 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. Condition reason: To ensure all stormwater works are completed to the approved standard.
58.	Completion of Water Supply and Sewer Works
	The developer is responsible for completing all water supply and sewer works in accordance with the approved Construction Plans. This includes realignment of the existing Council sewer main traversing the site (design by Ardill Payne & Partners, Job No: 11406, Dwg No's: C01, C02 & C03, Revision: A). All works are to be completed and approved by Council before the issue of the Occupation Certificate. Condition reason: To ensure all public assets are documented and recorded.
59.	Works as executed (asset listing)
	After works are completed, and before the issue of an Occupation Certificate, the developer must 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. Separate PDF drawings shall be provided for the footpath and sewer assets. The developer shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright. Condition reason: To ensure all public assets are documented and recorded.
60.	Civil Maintenance Bond
	Before 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: <ul style="list-style-type: none"> Civil Maintenance Bond: Equal to 5% of the estimated cost of the civil works (Refer to Council's Schedule of Fees & Charges for minimum fees). A maintenance period of 12 months will apply from the date of issue of the Occupation Certificate. The bond maybe used by Council to maintain, repair or rectify works that are failing. The bond will be refunded upon completion of the 12month period should no such failure occur. Condition reason: To provide an adequate surety to cover defective works.
61.	Mosquito Management
	In accordance with Ballina Shire Development Control Plan Chapter 2 Section 3.6

	<p>'Mosquito Management' all windows, external doors and other openings 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>Condition reason: To protect public health.</p>
62.	<p>Trade Waste Approval</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>Condition reason: to ensure compliance with the requirements of the Trade Waste approval have been met.</p>
63.	<p>Landscaping to accord with plan</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 accordance with the approved Landscape Plan.</p> <p>Condition reason: To complement the development and prevent erosion of soil.</p>
64.	<p>Removal of temporary structures</p> <p>All temporary builders' signs or other site information signs, builder's sheds, temporary amenities, waste storage bins, builder's power pole and the like are to be removed from the site on completion of the building.</p> <p>Condition reason: To ensure that an adequate level of amenity is maintained for other properties.</p>
65.	<p>Repair of Infrastructure</p> <p>Before the issue of an Occupation Certificate:</p> <p>(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</p> <p>(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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>

OCCUPATION AND ONGOING USE

Conditions					
66.	<p>Hours of Operation</p> <p>The hours of operation for any noise generating activity for the medical centre are to be limited to within the following times:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Monday to Friday</td> <td style="width: 50%;">7:30am – 7.00pm</td> </tr> <tr> <td>Saturday</td> <td>8:30am – 1:30pm</td> </tr> </table> <p>Condition reason: To ensure the environmental quality of neighbouring land is not adversely affected, such as by the development.</p>	Monday to Friday	7:30am – 7.00pm	Saturday	8:30am – 1:30pm
Monday to Friday	7:30am – 7.00pm				
Saturday	8:30am – 1:30pm				

67.	<p>Landscaping</p> <p>All landscaped areas in accordance with the approved plans shall be maintained for the perpetuity of the development in a suitable manner.</p> <p>Condition reason: To ensure that the development is in accordance with the approved plans.</p>
68.	<p>Annual Fire Safety Statement</p> <p>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.</p> <p>A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, Fire and Rescue NSW (FRNSW), and a copy of the Fire Statement and Schedule, prominently displayed in the building.</p> <p>Condition reason: 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.</p>
69.	<p>Operational Management Plan</p> <p>Operational management activities at the site shall be in accordance with the approved Operational Management Plan (OMP).</p> <p>The occupier of the premises must—</p> <ul style="list-style-type: none"> (a) ensure that there is a current management plan for the premises that is in accordance with the approved Operational Management Plan, and (b) designate an appropriate person or persons responsible for implementing and monitoring the plan, and (c) ensure that the plan is retained on the premises, (d) make the plan available, on the request of the appropriate regulatory authority, for inspection and copying. (e) include procedures for managing car park access, including ensuring that the car park entry gate remains open during the operating hours of the business and that all onsite parking is available to employees and visitors during this time. (f) specify that the maximum number of staff and practitioners on site at any one time is not to exceed 12 persons. <p>Condition reason: To protect public health and the amenity in the area.</p>
70.	<p>External Lighting</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>Condition reason: To protect the amenity in the area.</p>
71.	<p>Noise Management</p> <p>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.</p> <p>Condition reason: To protect the amenity in the area.</p>

72.	Car Parking Access
	The carpark entry gate must remain open during the operating hours of the business. All onsite parking must be available to employees and visitors during this time.
	Condition reason: To ensure adequate parking is provided to service the development.
73.	Loading and Unloading
	All loading and unloading in connection with the development shall be carried out wholly within the site.
	Condition reason: To protect the amenity in the area.

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 or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, 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.

ADVISORY NOTES

Advisory Notes	
1.	Disability Discrimination Act 1992 The granting of this consent does not imply or confer compliance with the requirements of the <i>Disability Discrimination Act 1992</i> (DDA). The applicant is advised to investigate any liability that may apply under that Act. <i>Australian Standard AS 1428 – Design for Access and Mobility</i> 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: <ul style="list-style-type: none">(a) it does not cover all developments that are subject to the provisions of the DDA;(b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and(c) while it mandates improved access for people with disabilities, it is not framed in terms of “equality of access”. You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed 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 and Operations Act 1997.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means **BALLINA SHIRE COUNCIL**

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Northern Rivers Regional Planning Committee.