

Item 8.4 - Ordinary Meeting 26 April 2012
DA 2011/540 - Proposed/Draft Conditions of Consent

Development Application No:	DA 2011/540
Applicant:	Ballina Shire Council (in its role as Reserve Trust Manager)
Subject Land:	Lot 540 DP 729687, Lot 379 DP 755684, Lot 7028 DP 1064315 and Lot 1 Section 78 DP 758047; Lighthouse Parade, East Ballina
Development Proposal:	To undertake the Demolition of existing Building and Structures for the erection of a new Ballina Lighthouse and Lismore Surf Life Saving Facility comprising a combined clubhouse and patrol building, associated infrastructure, landscaping and carpark reconstruction.

1. GENERAL CONDITIONS

General

- 1.1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by Archimages Architecture:
- a) Site and Location Plan, Drawing No. DA 01 Rev No. A, Job No. 2707d, Dated February 2012;
 - b) Surf Club Existing Site Plan DA 02 Rev A, Job No. 2707d, Dated February 2012;
 - c) Surf Club Lower Floor Plan, Drawing No. DA 03 Rev No. A, Job No. 2707d, Dated February 2012;
 - d) Surf Club Upper Floor Plan, Drawing No. DA 04 Rev No. A, Job No. 2707d, Dated February 2012;
 - e) Surf Club Roof Plan Drawing No. DA 05 Rev No. A, Job No. 2707d, Dated February 2012;
 - f) Surf Club Elevations, Drawing No. DA 06 Rev No. A, Job No. 2707d, Dated February 2012;
 - g) Surf Club Sections, Drawing No. DA 07 Rev No. A, Job No. 2707d, Dated February 2012;
 - h) Surf Club 3D Views Drawing No. DA 08 Rev No. A, Job No. 2707d, Dated February 2012; and
 - i) Design Team Ink Landscape Master Plans, Drawing No. 11/165A.01 to 11/165A.03 (Inclusive), Dated 28 February 2012;
- except as modified by any condition in this consent.
- 1.2. No part/area of the Clubhouse premise(s) shall be leased, tenanted or otherwise separately used, without the prior approval of a Business

Management Plan suitably addressing such matters including, but not limited to, accommodation and operational arrangements, building maintenance, financial liabilities. The Business Management Plan is to be approved/negotiated by the Reserve Trust with the concurrence of the Department of Primary Industries Catchments & Lands.

1.3. **Commencement of occupation or use**

Occupation or use of the premises/site for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council.

1.4. **Local Government Act approval**

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

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

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

- 1.5. An application under Section 68 of the Local Government Act must be submitted to Council for approval, accompanied by hydraulic details for all fire services, stormwater disposal and plumbing and drainage.
- 1.6. This consent does not authorise the fit out of the commercial kitchen on the upper floor. Separate consent is required to be obtained for the fit out and use of this area as a refreshment room.

Amenity/Visual Impact

1.7. **Roof colour**

The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background and sympathetic to the surrounding coastal environment. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.

Signs

1.8. **No signs without approval**

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 Council's Exempt & Complying Development Control Plan or any other planning instrument.

2. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building and/or Civil Works)

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to of the approved development.

Fees & Bonds

2.1. **Civil inspection fee, construction certificate & construction bond**

Prior to the issue of a Construction Certificate, the following fee and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fee and bond are subject to review and may vary at the actual time of payment:

- Civil Construction Certificate Fee: Refer to Council's Schedule of Fees and Charges
- Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (min \$190)
- Civil Construction Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

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.

- 2.2. In accordance with Section 109F of the EP&A Act (Section 109F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

Sediment and Erosion Control

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

Roads & Traffic

- 2.4. The proposed re-constructed carpark area shall provide minimum lighting levels as required in accordance with Section 4.7 Lighting of AS 2890.1 - 2004 Parking Facilities: Part 1 – Off Street Carparking. Engineering design plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.
- 2.5. The design of all disabled carparking spaces are to be in accordance with the Australian Standards AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
- 2.6. The design of all carparking and vehicular accesses are to be in accordance with the Australian Standards AS/NZS 2890.1: 2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
- 2.7. The building and car park area must be designed taking into consideration the potential impacts of the “Ballina Shoreline Hazard Identification Study” completed by WBM Oceanics, Dated 20/10/03. The building and car park must be designed to ensure that they are structurally sound in the event that significant erosion occurs in the surrounding dune system. Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Construction Certificate.
- 2.8. The applicant shall be responsible for all costs associated with modifying the existing shared path as required to accommodate the new surf club building. The shared path must be redesigned and reconstructed in accordance with the Northern Rivers Local Government *Development Design and Construction Manuals* and the .Austroads “Guide to Road Design” publication, Part 6A: Pedestrian and Cyclists Paths. Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Construction Certificate.
- 2.9. The upper level Juliet balcony and associated private screening off the gym is to be deleted to allow for heavy rigid vehicle movement in the carpark. Amended plans are to be provided prior to issue of the Construction Certificate.

Utility Services

- 2.10. **Water Meters**
Prior to the issue of the Construction Certificate, the applicant is required to submit an “Application for a Water Service” to Council in accordance with Council’s Water Metering Policy (as current at the time of construction works commencing. The applicant shall be responsible for all costs associated with water connections and water meter installations.
- 2.11. **Water Connection**
The applicant shall be responsible for all costs associated with the connection of Council’s reticulated water supply system within the development in accordance with the Northern Rivers Local Government Development Design & Construction Manuals (as current at the time of

construction works commencing). Design plans are to be approved by Council prior to issue of the Construction Certificate.

- 2.12. The applicant shall be responsible for all costs associated with the connection of Council's sewer system to the development including the relocation of the existing sewage pump station outside of the footprint of the proposed surf club building. Given that this development is unable to be serviced by Council's gravity sewer system the development shall need to be serviced using a pressure sewer system in accordance with Council's "Pressure Sewer Policy" (as current at the time of construction works commencing). Design plans are to be approved by Council prior to issue of the Construction Certificate.
- 2.13. 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. 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.
- 2.14. The existing overhead powerlines adjacent to the site must be relocated should the proposed surf club building encroach on the minimum safe distance requirements of SEEP Infrastructure 2007 - Reg 45. Details are to be submitted to Council prior to issue of the Construction Certificate.

Building Construction Requirements

2.15. ***Building to comply with BCA***

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

- a) complying with the deemed to satisfy provisions,
- b) formulating an alternative solution which:
 - i) complies with the performance requirements, or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision.
- c) combination of (a) and (b).

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

- 2.16. The Clubhouse building must be of Type B Construction in accordance with the Building Code of Australia. Full details must be submitted for approval prior to release of the Construction Certificate.
- 2.17. Submission of details regarding fire hazard properties of linings, materials and assemblies within the building are to be provided. The building is to comply with clause C1.10 of the BCA.

- 2.18. The Clubhouse Building is to have a minimum floor level of 6.4m AHD. Details (inclusive of suitable disabled access) are to be submitted prior to release of the Construction Certificate.
- 2.19. Prior to issue of the Construction Certificate, a Certificate must be submitted to the Council/Accredited Certifier from an appropriate person that the buildings will comply with Part J of the Building Code of Australia if constructed in accordance with the approved plans.
- 2.20. **Engineer's structural detail**
Structural Engineer's details for all structural steel, reinforced concrete work and required wall bracing and method of tie down are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.
- 2.21. **Bearing capacity**
The bearing capacity of the foundation material below the footings is to be tested by a Structural Engineer after the footing trenches have been excavated. A copy of the report is to be submitted to Council or the Principal Certifying Authority prior to issue of the Construction Certificate. No building works shall proceed until Council or the Principal Certifying Authority is satisfied that the site has adequate bearing capacity for the work.
- 2.22. **Geotechnical report**
A geotechnical report for the proposed development, prepared by a suitably qualified and experienced Geotechnical Engineer shall be submitted to Council/Accredited Certifier prior to the issue of any Construction Certificate. The report is to state that a property site investigation has been made; that the site is capable of accommodating the proposed development; that the buildings will not be affected by subsidence when the buildings are erected, and that adequate design allowance has been made for drainage.
- 2.23. **Structural engineer's design**
The Structural Engineer's design of the building must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based.
- 2.24. Details of emergency lighting and exit signs must be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.
- 2.25. Details of all mechanical ventilation must be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.
- 2.26. **Tilt up construction**
A Structural Engineer's certificate is to be submitted to the Principal Certifying Authority prior to commencement of construction, certifying that design consideration has been given to minimising the risk of outward collapse of the tilt up wall panels in the event of fire.

- 2.27. The gym must be provided with sanitary and other facilities as required by Part F2 of the BCA.

Amenity/Visual Impact

2.28. ***External finishes to be submitted***

A schedule of all external building materials and finishes shall be submitted to Council for approval prior to issue of the Construction Certificate.

- 2.29. An acoustic consultant is to be engaged to identify the required acoustic performance of the building, particularly relating to people and entertainment noise on residential premises located nearby. The acoustic consultant shall certify that the final construction plans will achieve the identified acoustic performance prior to the issue of the Construction Certificate.

Developer Contributions/Charges/Bonds

2.30. ***Developer Charges***

Prior to issue of a Construction Certificate where building work is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2002. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

50% of the applicable charges are to be paid prior to release of the Construction Certificate for the building and 50% are to be paid, at the rate applicable at the time, prior to fit-out and occupation of the first floor function centre/hospitality facilities.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2002 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 May 2004
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 May 2004
Rous Water	Rous Water Development Servicing Plan	April 2009

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 a Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 1 (**attached**).

2.31. Developer Contributions

Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979:

50% of the applicable contributions are to be paid prior to release of the Construction Certificate for the building and 50% are to be paid, at the rate applicable at the time, prior to fit-out and occupation of the first floor function centre/hospitality facilities.

Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Road Contribution Plan October 2002	24 October 2002
Ballina CBD Car Parking Contribution Plan	25 November 2004
Lennox Head Village Centre Car Parking Contribution Plan	12 February 2004
The Council of the Shire of Ballina Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development - Maintenance and Construction of Roads	9 February 1996

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

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

Drainage and Stormwater Controls

2.32. Flooding and Stormwater

The provision of stormwater controls on site shall be in accordance with Water Sensitive Design requirements of Council's Development Control

Plan No. 13 Stormwater Management and in accordance with the Site Stormwater Management by Ardill Payne & Partners, Dated November 2011. A detailed design must be submitted to and approved by the Principal Authority prior to the release of the Construction Certificate.

- 2.33. Details of external showers are to be submitted prior to issue of the Construction Certificate.
- 2.34. An area is to be set aside for the purpose of washing down boats and equipment. This area is to be provided with site absorption of wash-water inclusive of a suitable system for removing oil or fuel residue that may be present. Details of these arrangements are to be provided to Council prior to issue of the Construction Certificate.
- 2.35. All Stormwater drainage works are to be carried out in accordance with the approved plans. This is to include the shaping of driveways and paved areas to drain to landscaped/vegetated areas with infiltration strips. Pervious paving is to be provided where possible. Details are to be shown on the design plans and approved prior to issue of the Construction Certificate.
- 2.36. A detailed Soil and Water Management Plan pertaining to the construction phase is to be submitted to and be approved by Council prior to the issue of the Construction Certificate. This plan is to be inclusive of the management of sand or dust from cleared areas and stockpiled material during high winds.

Crime Prevention

- 2.37. The incorporation of the recommendations of the NSW Police Service dated 13 April 2012 is to be identified and detailed on the design plans (where relevant). Detailed plans are to be submitted to and approved by Council prior to issue of the Construction Certificate.

Food Premises

- 2.38. Plans and specifications showing details of layout and construction of the kiosk kitchen, storage and delivery areas, method of installation of all fittings and fixtures, vermin-proofing and waste storage facilities are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Waste/Trade Waste

- 2.39. Adequate provision must be made on site for the storage prior to disposal of solid waste. Details of the location and method of storing and disposing of waste is to be submitted to and be approved by Council prior to issue of the Construction Certificate. Note: the waste storage area is to be screened, covered, graded and drained to the sewer via an approved pre-treatment device. It is recommended that consideration be given to the provision of a dedicated chill room for the holding of putrescible waste to

prevent odours and access by vermin.

3. PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

Sedimentation and Erosion Control

- 3.1. To prevent the pollution of waterways, the applicant/builder is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the construction of the project until the site has been stabilised by permanent vegetation cover or a hard surface. This is to include:
- a The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage systems, watercourse and or adjoining land.
 - b Service trenches are to be backfilled as soon as practical.
 - c Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
 - d Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and or watercourses.
 - e Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

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

Building/Carpark Construction

- 3.2. 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 \$10M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.
- 3.3. A traffic control plan must be prepared for the reconstruction of the existing shared path. All traffic control during construction shall be in accordance with the NSW Roads and Traffic Authority "Traffic Control at Works 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 prior to the commencement of construction.
- 3.4. ***Builder's sign***
A suitable sign is to be provided on the building site in a prominent location, indicating the builder's name, licence number and contact telephone numbers (including after hours numbers).

- 3.5. **Building waste containment**
A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.
- 3.6. **Builder's toilet**
A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.
- 3.7. **Safety fencing**
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 from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.
- 3.8. **Surveyor setout**
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.
- 3.9. **Issue of construction certificate**
The erection of a building under the terms and conditions of this Development Consent must not be commenced until:
- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
- (i) *The Council; or*
(ii) *An accredited certifier; and*
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority and has notified the Council (if Council is not the principal certifying authority) of the appointment; and
- (c) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building.

Archaeology

- 3.10. Prior to construction, personnel involved in excavation and other ground disturbance works are to receive an Aboriginal cultural heritage induction to advise on identifying potential archaeological material (arranged in consultation with Jali Land Council)..
- 3.11. Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the operator shall immediately notify the National Parks & Wildlife Service (NPWS) and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from the NPWS is obtained

for the destruction, removal or protection thereof, and the building construction contractor has complied with the direction of the Service in that respect.

- 3.12. Upon discovery of any European relics, the operator shall immediately notify the Ballina Shire Council Heritage Officer and shall cease operations within the vicinity thereof until such time as the consent from the Council is obtained for the destruction, removal or protection thereof.

4. DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

Building Construction Requirements

4.1. *Building Inspections*

Where Council is the Principal Certifying Authority

Forty eight (48) hours notice is to be given to enable the following building works to be inspected during construction by the Council where Council is the Principal Certifying Authority. NOTE: All required sewer and water service plumbing drainage inspections are to be carried out by Council:

2. At the commencement of building work including the erection of builder's sign, site fencing, builder's sheds, erosion barriers and portable toilet facilities where required.
3. Excavation for pier hole foundations prior to concrete pour.
4. Prior to the pouring of any in-situ reinforced concrete building element.
5. When the foundation trenches are open, the steel reinforcement in position before the concrete is poured.
6. When the internal sewer drainage pipelines beneath the building have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
7. When the steel is in position before any concrete floor slabs including patios and garages are poured.
8. When the external sewer drainage lines have been laid by the licensed plumber so that a water test can be carried out before they are backfilled.
9. When the external stormwater drainage lines have been laid and connected by a licensed plumber prior to backfilling.
10. On completion of the framework with the roof covering and external wall cladding in position before the internal walls and ceilings are fixed.
11. Prior to the covering of waterproofing flashings to any wet areas.
12. On completion of the water supply "rough in" and/or plumbing stackwork prior to the internal lining of the building.
13. On completion of the building before occupation and the issue of any occupation certificate.

NOTE: These inspections are considered to be critical stage inspections required during construction. Failure to carry out these

inspections is a breach of the *Environmental Planning & Assessment Act* and may jeopardise the issue of an Occupation Certificate.

- 4.2. Generally, construction activity is to be restricted to the hours 7.00 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturday. No work is to be undertaken on Sundays or Public Holidays. If construction work must take place outside these hours and noise is likely to be generated contact is to be made with Council's Regulatory Services Group with details of the work that must occur and how it is intended to minimise impact on the local community. The Interim Construction Noise Guideline published by the Department of Environment and Climate Change July 2009 (ISBN 978 1 742322179), provides guidance on managing construction noise.
- 4.3. ***Hot water outlets – Commercial/Industrial***
All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C.
- Each commercial kitchen hand basin shall deliver hot water at a temperature of at least 40°C and each cleaning sink/tub shall be provided with hot water with a minimum temperature of 45°C.
- 4.4. ***Disabled access***
Provide facilities for the disabled including toilet facilities, lift, ramped access to the building and a carparking bay for the disabled in the carpark in accordance with *AS 1428.1* and *AS 2890.1*.
- 4.5. The proposed lift must be suitable for the disabled and comply with E3.6 of the BCA.
- 4.6. The public service unisex disabled toilets are to be fitted with a Master Locksmith Access Key System.
- 4.7. Any enclosure of spaces under stairs must be in accordance with Clause D2.8 of the Building Code of Australia.

Essential Fire Services

- 4.8. ***Fire hydrant***
Fire hydrants are to be provided in accordance with *Section "E" of the BCA*.
- 4.9. ***Fire extinguishers***
Fire extinguishers suitable for A, B and E class fires are to be installed within the building in accordance with *Section "E" of the BCA*.
- 4.10. ***Emergency lighting***
An emergency lighting system and illuminated exit signs must be installed throughout the building in accordance with *AS 2293.1*.
- 4.11. ***Fire hose reels***
A fire hose reel or reels shall be installed within the building located near an exit doorway and be capable of reaching all parts of the building. Each

fire hose reel shall be connected to a fire main. Each fire hose reel must be readily accessible for use by each occupant of the building served by the hose reel. Details prepared by a suitably qualified Hydraulic Engineer detailing the design of the hose reel system and certifying compliance with AS 1221 and AS 2441 shall be submitted to the Principal Certifying Authority prior to commencement of installation of the system.

4.12. **Essential services**

The following services and equipment are essential services required by the BCA to ensure the safety of persons in the building in the event of an outbreak of fire in the building.

- Fire Hydrant
- Fire Hose Reels
- Fire Extinguishers
- Emergency Lighting and Exit Signs
- Mechanical Ventilation

4.13. **Fire safety certificate**

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

4.14. **Fire safety statement**

The owner of the building must provide Council with a Fire Safety Statement at least once in each twelve month period, certifying that the essential services installed in the building have been inspected and tested by a competent person and at the time of that inspection, were capable of operating at the minimum standard required by the development consent. This certificate is to be kept in the building to which it relates.

Archaeology

- 4.15. During construction, Aboriginal cultural heritage is to be managed in accordance with recommendations detailed in Section 6 of the *Due Diligence Assessment Report* made by Everick Heritage Consultants - Dated December 2011.

Amenity/Visual Impact

- 4.16. All drainage grates located within traffic movement areas shall be fixed to avoid rattling.
- 4.17. Care is to be taken to ensure that the neighbourhood is not impacted by the obtrusive affects of outdoor lighting. As specified outdoor lighting is to be designed and installed with regard to Australian Standard 4282-1997.
- 4.18. Care is to be taken throughout to ensure that the integrity of the acoustics controls are not compromised. The Acoustics Consultant is to be retained throughout the project to provide advice if required.

Building/Carpark Construction

- 4.19. 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).
- 4.20. All traffic control during construction shall be in accordance with the Roads and Traffic Authority - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified in the "Apply Traffic Control Plans" (Yellow Card).
- 4.21. ***Reinstatement of road verge***
Any grass verge or footpath within the road reserve that is damaged as a result of development works on the site shall be immediately reinstated to a satisfactory and safe condition. This will involve the regrading of the disturbed area, turfing and top-dressing.
- 4.22. ***Repair damaged infrastructure***
Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.
- 4.23. Council's Engineer must inspect and approve works associated with the construction of all footpath and gutter crossings 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.
- 4.24. 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.

Soil Erosion, Filling & Contamination

- 4.25. The applicant shall ensure that any fill material imported to the site for the proposed development shall only be obtained from sources of fill with an approved testing regime. The supplier of the fill material must certify to Council at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

Vegetation

- 4.26. No burning of vegetation from the site is permitted. Vegetation waste is to be chipped and reused or removed from the site.
- 4.27. All pruning activities are to conform to the Australian Standard as detailed in "*Pruning of Amenity Trees*". Pruning activities are to be conducted in a manner that ensures the ongoing environmental integrity of the area.

- 4.28. All vegetation removal is to be undertaken in a manner that ensures the ongoing integrity of the vegetation to be retained and/or adjacent native plants.
- 4.29. There is to be no vegetation clearance, earthworks and/or storage of any vegetative matter, goods and/or equipment within any vegetation to be retained.

Demolition

- 4.30. All demolition work is to be carried out in accordance with the WorkCover Authority and Council guidelines for the removal of asbestos and lead based products. The sewer, water and electrical services from the building are to be disconnected by licensed tradespersons.
- 4.31. All demolition, construction or the like waste is not to be stored or stockpiled on the site and must be disposed of promptly to an approved waste facility.

Bush Fire

- 4.32. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- 4.33. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006.'
- 4.34. To allow for emergency service personnel and occupants to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

Kiosk

- 4.35. The applicant shall construct and fit-out the premises in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 The applicant is responsible to ensure compliance with the Standards and Council will not accept responsibility at the time of final inspection for premises that are not in compliance with the Standards, regardless of the approved plans. Reference shall be made to the AS 4674 – 2004 “Design, Construction and fit-out of food premises” for guidance on construction of food premises.
- 4.36. Separate storage areas shall be located on the premises for clothing, personal belongings, cleaning equipment and chemicals where there is no likelihood of stored items contaminating food and food contact surfaces.

Waste/Trade Waste

- 4.37. All liquid trade waste shall pass through appropriately sized grease arrestors with a minimum capacity of 2000L. (Any dishwasher installed must be taken into consideration when sizing the grease arrestor by allowing 250L additional capacity for each dishwashing cycle).

- 4.38. All liquid trade waste pre-treatment systems and any substance which could adversely affect the sewerage system, the environment or safety of people must be contained in bunded areas so that any leaks, spillages, and/or overflows cannot drain by gravity to the sewerage and/or stormwater systems. Wastewater collected within the bunded area shall not be directly discharged into the sewerage and/or stormwater systems. Wastewater, leaks and spillages from a bunded pre-treatment equipment area shall be pumped back to the head of the pre-treatment system.
- 4.39. All liquid trade waste shall pass through screens or basket waste arrestor (where appropriate) before being discharged to the sewerage system.
- 4.40. A basket arrestor must be installed to any floor wastes that are located in food preparation areas.
- 4.41. Measures shall be taken to prevent the contamination and ingress of stormwater into the sewerage system. Areas where stormwater may become contaminated should be bunded and roofed over.
- 4.42. The garbage bin areas must be roofed and bunded to prevent the ingress of stormwater to the sewage system.
- 4.43. Liquid waste from the garbage bin area shall pass through an appropriately sized grease arrestor. A dry basket arrestor with a fixed screen is to be fitted to all floor wastes in the garbage bin area that drain to the sewerage system.
- 4.44. Inspection points suitable for taking representative samples shall be provided immediately after each pre-treatment device; and prior to the point where the liquid trade waste enters the sewerage system and mixed with other waste streams and/or domestic sewage from the premises.

5. PRIOR TO OCCUPATION OR USE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

General

- 5.1. To prevent littering and the pollution of waters, cigarette butt bins must be provided externally on site for the disposal of cigarette butts. Positioning must be in convenient locations to the carpark areas and the entry and exits to the development but at a sufficient distance that smoke does not enter the building structure.
- 5.2. All signage required to ensure compliance with the Smoke Free Environment Act including those in public toilet facilities must be in place.
- 5.3. ***Occupation certificate***
Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

Landscaping

5.4. *Landscaping to accord with plan*

All landscaping works shall be completed in accordance with the landscape plan approved as part of this development consent.

Access & Carparking

- 5.5. All civil works approved with the Construction Certificate 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* (as current at the time of construction works commencing).
- 5.6. Prior to the release of the Occupation Certificate, the applicant shall submit to Council a hard copy of a 'Works-as-Executed' (WAE) drawing at scale of 1:500 in addition to a computer disk copy of the WAE information in AutoCAD and PDF format. Separate 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.
- 5.7. 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. The developer shall be required to contact Council's Engineer on telephone 6686 4444 to obtain an electronic copy of the lists required.
- 5.8. The construction of all carparking and vehicular accesses are to be completed in accordance with the approved construction design plans and the Australian Standards AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
- 5.9. The construction of all disabled carparking spaces is to be completed in accordance with the approved construction design plans and Australian Standards AS/NZS 2890.6: 2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
- 5.10. ***Concrete or similar parking areas***
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 the stormwater treatment areas.
- 5.11. ***Carparking spaces***
A minimum of **16** carparking spaces shall be provided and constructed on the site in accordance with the approved development plans.
- 5.12. ***Bicycle parking***
Bicycle parking racks shall be provided on-site in a location approved by Council to accommodate a minimum of **20** bicycles.

- 5.13. Installation of the approved bus stop and shelter must be completed prior to the release of the Occupation Certificate.

Utility Services

- 5.14. Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan lodged with the Development Application. This certification is to be provided by a practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.
- 5.15. The completion of all water supply and sewer works in accordance with the approved construction plans and in accordance with the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction works commencing). All works are to be completed and approved by Council prior to issue of the Occupation Certificate.
- 5.16. Prior to the issue of a 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:
- Maintenance Bond: Equal to 5% of the estimated cost of the civil works (min \$1000)

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.

Amenity/Visual Impact

- 5.17. Prior to the issue of an Occupation Certificate, a traffic management plan must be submitted to and approved by Council detailing the traffic control and management arrangements for major surf carnivals and events at the Surf Club. The management plan shall need to consider both boat launching activities and parking.
- 5.18. The acoustic consultant shall provide Council with certification that the development complies with the acoustic specification identified prior to issue of the Construction Certificate (or as amended with the approval of Council) prior to the issue of the Interim or Final Occupation Certificate.

Kiosk

- 5.19. Trading must not commence until application has been made to Council to register the business on Council's "Commercial Premises Register" and the appropriate fee paid.

- 5.20. Registration of the business details on the NSW Food Authority's Notification and Food Safety Information System is required prior to commencement of trading. This can be completed online at www.foodnotify.nsw.gov.au.

Waste/Trade Waste

- 5.21. Prior to the release of the Occupation Certificate approval to discharge Trade Waste is to be obtained from Council. An application fee and a minimum of one inspection fee is payable on submission of the trade waste application.

6. CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

General

6.1. Loading & unloading

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

6.2. Forward vehicular movement

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

- 6.3. During special events such as major surf carnivals the Surf Club shall need to submit a traffic management plan in respect to traffic control, particularly Boat launching activities and parking.

Landscaping

6.4. Landscaping to accord with plan

All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

Waste/Trade Waste

6.5. Comply with Trade Waste Discharge Policy

The Applicant shall comply with Council's Trade Waste Disposal Policy as reviewed from time to time.

Noise

- 6.6. Noise caused by the approved use including music and other activities must comply with the following criteria.
- a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - b) The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am

and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.

- c) The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
- d) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

SCHEDULE 1

Contribution	Account -Unique No.after PLD 013 /9999	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
East Ballina/Skennars Head Roads	1	per equivalent residential allotment	\$3,415.98	77.6775	\$265,344.85
East Ballina Sewerage (DSP Area B)	42	per equivalent tenement	\$6,743.51	25.6800	\$173,173.34
East Ballina Water (DSP Area B)	35	per equivalent tenement	\$3,112.82	16.3720	\$50,963.09
Rous Water	TT 9451	per equivalent tenement	\$3,685.00	16.3720	\$60,330.82
TOTAL					\$549,812.10