

BALLINA GATEWAY
STATEMENT OF COMMITMENTS

TO:

DEPARTMENT OF PLANNING

SITE:

RIVER STREET, BALLINA

DATE: AUGUST 2006
(Amended November 2006)

CONTENTS

Statement Commitments	Page 1
1.0 Compliance	2
1.1 General	2
1.2 Construction Phase	2
1.3 Operational Phase	2
1.4 General Development Design Requirements	2
2.0 Pre-construction Phase	5
2.1 Construction Management Plan	5
2.2 Staging of Development and Occupation	5
2.3 Construction Waste Generation and Collection	8
2.4 Water and Sediment Run-off	9
2.5 Environmental Engineering	9
2.6 Dewatering.....	10
2.7 Stormwater	10
2.8 Road Design and Construction	10
2.9 Landscaping Plans	11
2.10 Notice Prior to Excavation.....	11
2.11 Structural Works	12
2.12 Dilapidation	12
2.13 Security	12
2.14 ESD	14
2.15 Reflectivity	14
2.16 Materials and Finishes	14
2.17 Open Space	14
2.18 Sewer & Water Supply	15
3.0 Construction Phase	16
3.1 General	16
3.2 Specific	18
4.0 Operational Phase	21
4.1 Waste Generation and Collection	21
4.2 Noise and Vibration	21
4.3 Lighting	21
4.4 Separate Approvals	21
4.5 Vehicle Access	22
4.6 Flooding	22
4.7 Fire Safety	22
4.8 Building Services	22
4.9 Maintenance	22

Statement of Commitments

Introduction

Under S.75F (6) of the Act, the proponent may be required to include a Statement of the Commitments within the Environmental Assessment outlining the measures the proponent is prepared to make in respect of environmental management and mitigation at the site.

The Statement of Commitments identifies those measures that need to be implemented during the pre-construction, construction and the operational phases of the development in order to minimise impacts on the environment.

The Development

The proponent will undertake the development in accordance with:

- The Environmental Assessment Report prepared by Newton Denny Chapelle dated August 2006 including:
 - a. The architectural plans prepared by Crone Partners Architecture Studios dated 10 August 2006 contained at Appendix 2; and
 - b. all supporting technical reports included at Appendices 2 to 15 including their respective recommendations and mitigation measures, as practicable; and
 - c. This Statement of Commitments.

Statutory requirements

The proponent acknowledges that this Statement of Commitments does not remove any obligations pursuant to any other Acts.

The proponent will ensure that all licenses, permits and approvals are obtained and kept current, as required throughout the construction and operational phases of the development.

1.0 Compliance

1.1 General

- The Proponent will ensure compliance with this Statement of Commitment; and
- The Proponent will comply with the requirements of the Director General arising from the assessment of the Statement of Commitment and the mitigation measures.

1.2 Construction Phase

- The proponent will notify the Director General and all relevant authorities (including Ballina Shire Council) in writing at least 4 weeks prior to the commencement of construction;
- Such notification will include details of how the relevant commitments included in this Statement of Commitments are required to be addressed prior to the commencement of construction have been satisfied or complied with; and
- In the event that full compliance with the relevant commitments cannot be achieved, the proponent undertakes to justify any departure/s and to demonstrate to the satisfaction of the Director General that the intent of the relevant commitment/s has been satisfied.

1.3 Operational Phase

- The proponent will notify the Director General and all relevant authorities (including Ballina Shire Council) in writing within 4 weeks of the commencement of operation;
- Such notification will include details of how the relevant commitments contained in this Statement of Commitments and required to be addressed prior to the occupation and use of the development have been satisfied or complied with; and
- In the event that full compliance with the relevant commitments can not be achieved, the proponent undertakes to justify any departure/s and to demonstrate to the satisfaction of the Director General that the intent of the relevant commitment/s has been satisfied.

1.4 General Development Design Requirements

- The proponent undertakes to comply with the recommendations of the following technical reports, as is reasonably practical.
- Where full compliance with the recommendations in the technical reports can not be achieved, the proponent undertakes to justify the departure/s and to

demonstrate to the satisfaction of the Director General that the intent of the relevant report recommendation/s has been satisfied.

Structural Design

The structural design of the building including design philosophy and loadings will be undertaken in accordance with the following:

- *Infrastructure & Engineering Report* prepared by Ardill Payne & Partners dated July 2006;

Building

The development will comply with the *Building Code of Australia*.

Stormwater

The stormwater strategy for the development will be implemented in accordance with the recommendations of the *Infrastructure & Engineering Report* prepared by Ardill Payne & Partners dated July 2006.

Building Services

The mechanical, electrical, hydraulic and fire services will be designed in accordance with the recommendations and design requirements in the report titled *Design Compliance* prepared by EMF Griffiths Engineers P/L dated 1 August 2006.

Disabled Access

Disabled Access to the development will be provided in accordance with the requirements and recommendation of the *Access Review Report* prepared by Crone Partners Studio dated 10 August 2006.

Development Design

The development philosophy, design, facade detailing and material selection shall be in accordance with the *Architectural Design Statement* prepared by Crone Partners Studio dated 10 August 2006.

Materials

The development philosophy, design, facade detailing and material selection shall be in accordance with the *Architectural Design Statement* prepared by Crone Partners Architecture Studios dated 10 August 2006.

Reflectivity

Reflectivity mitigation measures will be incorporated into the development in accordance with the recommendations of the *Wind & Reflectivity Statement* prepared by Heggies Australia dated 4 August 2006.

Wind

Wind mitigation measures will be incorporated into the development in accordance with the recommendations of the *Wind & Reflectivity Statement* prepared by Heggies Australia dated 4 August 2006.

Noise

The construction of the building will comply with the recommendations of the *Environmental Noise Impact Assessment* prepared by Carter Rytenskild Group Pty Ltd dated 10 July 2006.

Traffic

The management of traffic impacts will comply with the requirement and recommendations of the *Traffic Impact Assessment* prepared by Newton Denny Chapelle dated August 2006.

ESD

ESD initiatives will be incorporated into the development as outlined within report titled *ESD Requiriements* prepared by EMF Griffiths Engineers P/L dated 1 August 2006.

Security

CCTV and Security Systems for the development will be implemented in accordance with the recommendation of the *Architectural Design Statement* and *CPTED Statement* prepared by Crone Partners Architecture Studios dated 10 August 2006.

Waste Management

The design development and construction of waste facilitates within the development and waste handling and minimisation procedures will be undertaken in accordance with the recommendations of the *Waste Management Report* prepared by the Mack Group dated 12 July 2006.

Infrastructure & Engineering

Infrastructure and engineering matters inclusive of environmental engineering (contamination and site remediation), stormwater management, construction engineering, sewerage disposal and water Supply capacity and miscellaneous Infrastructure will be undertaken in accordance with the Infrastructure & Engineering Report prepared by Ardill Payne & Partners Dated July 2006.

2.0 Pre-Construction Phase

2.1 Construction Management Plan

- Prior to the commencement of construction, a **Construction Management Plan** will be submitted to and approved by the PCA. The Plan will address the following, including making recommendations regarding procedures to be adopted to minimise the impacts of construction activities:
 - *pedestrian management*: proposed protection of pedestrians adjacent to the site;
 - *traffic management*: proposed ingress and egress from the site and construction vehicle routes; and
 - *construction staging*.

The proponent/site manager will implement the approved Construction Management Plan during excavation and construction of the development.

2.2 Staging of Development And Occupation

- The proponent undertakes to prepare the construction staging for the development and the sequence of building occupation prior to the issue of a construction certificate. The development will be completed and occupied in stages.
- Conceptually, and in response to issues such as project size, temporary maintenance of existing uses, public and vehicular access, construction site facility, public safety and engineering constraints the project is proposed to be constructed in three main stages for partial occupation and use on progress. The following diagrammatic layouts describe this sequencing in broad terms:

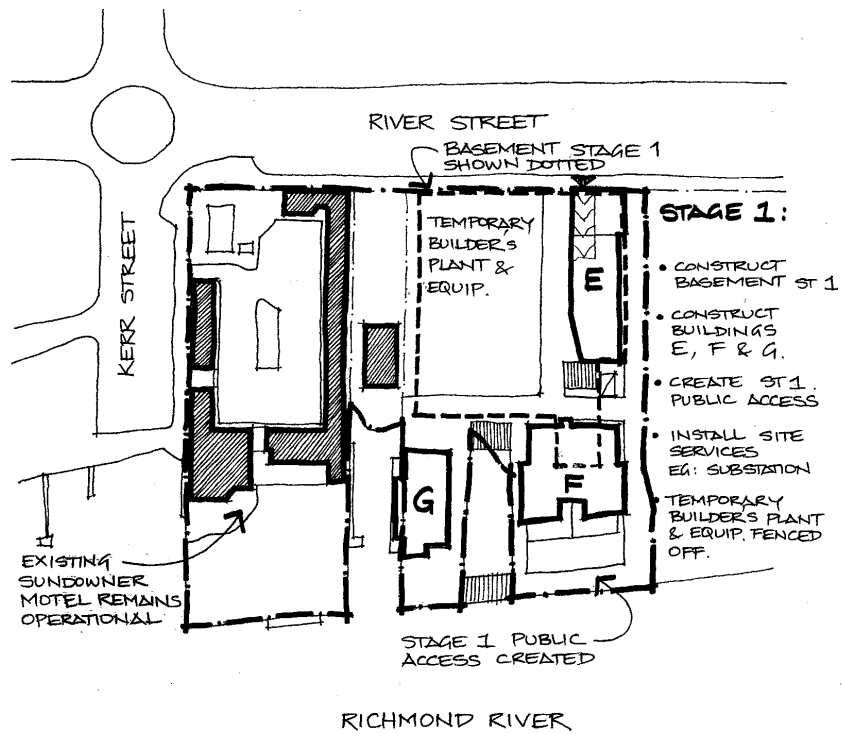


Plate 1: Stage 1

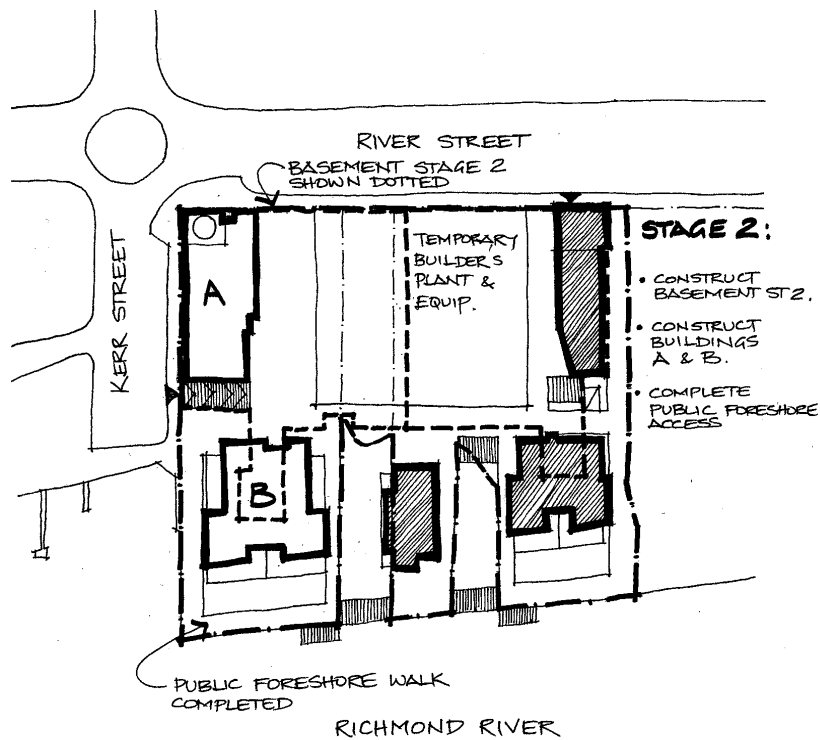


Plate 2: Stage 2

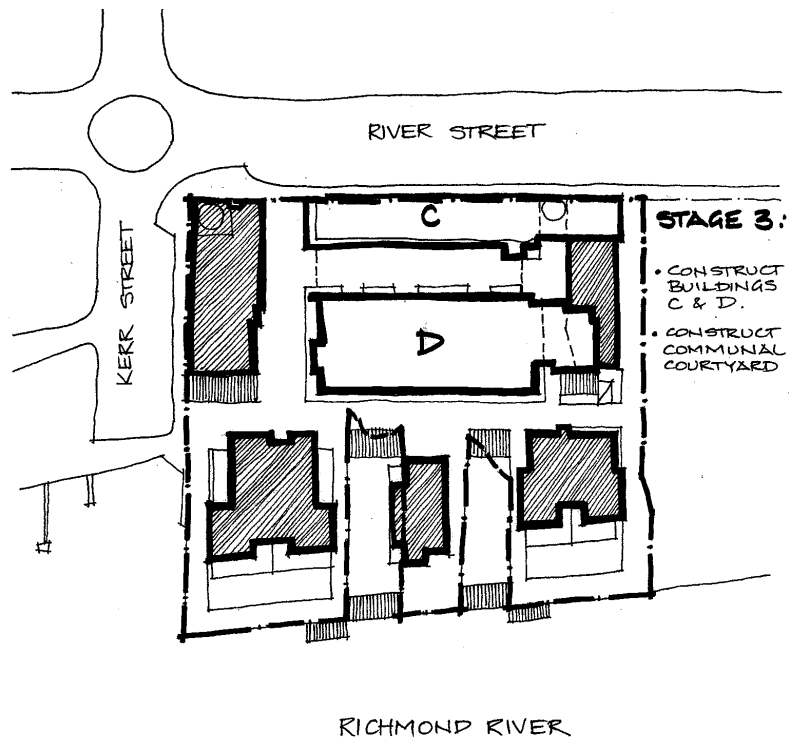


Plate 3: Stage 3

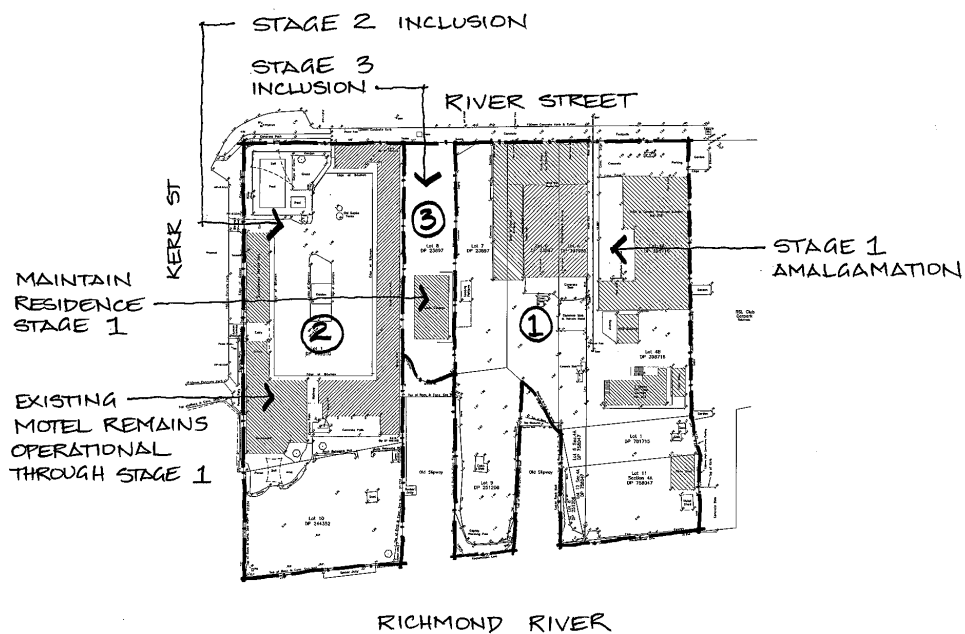


Plate 4: Sequenced Site Consolidation Plan

- The proponent undertakes to submit to the satisfaction of the PCA a Construction Staging and Occupation Plan prior to the release of a construction certificate.
- The Plan will make allowances for the commencement of *early works*, including but not being limited to, the following:
 - Site preparation;
 - Earthworks & site remediation; and
 - Excavation.
- Early works will not be commenced on the site until the following plans are prepared and submitted to the satisfaction of the PCA:
 - Construction Management Plan;
 - Construction Staging and Occupation Plan;
 - Construction Waste Management Plan;
 - Water and Sediment Control Statement for Construction;
 - A Site Remediation and Validation Statement.

2.3 Construction Waste Generation And Collection

- Prior to the issue of a Construction Certificate, the Building Contractor will develop a **Construction Waste Management Plan**.
- The Construction Waste Management Plan must comply with the *Waste Minimisation and Management Act 1995*.
- The Construction Waste Management Plan shall address the following:
 - Procedures by which waste will be minimised, managed and recycled
 - Details of the removal of spoil and rubbish from the site associated with the excavation operations including:
 - Type and quantities of materials expected to be excavated;
 - Name and address of transport company; Address of proposed disposal site;
 - Name/address of company/organisations accepting the material;
 - Describe what procedures will be followed to ensure compliance with the Plan including monitoring of work; and
 - Provide ongoing monitoring of the Plan, as appropriate.

- The Building Contractor/Site Manager shall implement the Plan during construction.

2.4 Water And Sediment Run-Off

- Prior to the commencement of work, a **Water and Sediment Control Statement for Construction** will be submitted to and approved by the PCA. The statement will include the following:
 - Procedure for the treatment and disposal (as appropriate) of stormwater and waste water;
 - The proposed method of discharge;
 - Methods for the prevention of run-off from the site to neighbouring land; and
 - Monitoring procedures to prevent sediment, waste or pollutants from entering Richmond River and the street stormwater system.
- In order to mitigate against soil and sediment run-off, all erosion and sediment control measures will be maintained at design capacity for the duration of the construction period until such time as the ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- The proponent undertakes to obtain separate approval from Council for the any seepage or rainwater collected on-site during construction to be pumped to the street stormwater system.
- Soil erosion and sediment control and water management measures will be designed in accordance with the document *Managing Urban Storm water- Soils & Construction* (NSW Department of Housing, 1998).
- The Water and Soil Management Plan will be implemented during excavation and construction of the development.

2.5 Environmental Engineering

- Complete SEPP55 contaminated land investigations to isolate contaminated areas and remediate the areas of contamination to threshold levels stipulated as suitable for proposed land uses in NEPC Guidelines for Health Based Investigation Levels and EPA Guidelines for Assessment, Classification and Management of Liquid and Non-Liquid Waste.

A RAP be prepared in conjunction with demolition and lodged with

Council for approval prior to issue of a Construction Certificate.

- Where Potential Acid Sulphate Soils are encountered as identified in Coffey's report, implement an approved Acid Sulphate Soil Management Plan to treat and dispose of the soils.
- Contain the potential spread of contaminated marine sediments during excavation of slipways and affected riverbank areas. Dewater contaminated sediments on site and dispose of to a Level 1 licensed tip complying with EPA guidelines for receiving classified waste.
- Monitor and treat groundwater pumped from the subterranean water table to prevent any adverse impact on the receiving environment. Treat discharge for turbidity, dissolved oxygen and TPH to background levels and ANZECC 2000 Guidelines.
- Where groundwater TPH levels exceed ANZECC guidelines they are to be treated and pumped to Council's sewer under a trade waste licence.

2.6 Dewatering

- The proponent undertakes to obtain a licence under Section 10 of the Water Act 1912 to extract ground water from the site for the purposes of carrying out excavation.

2.7 Stormwater

- To treat and recycle stormwater. Where stormwater is discharged from the site treatment is to be provided such that there is no net increase in pollutant load from the site. Prepare baseline water quality data. Provide primary and secondary level water quality treatment so that stormwater discharge matches or exceeds baseline water quality.
- ***To demonstrate compliance with DCP 1 Chapter 13 the proponent will model stormwater capture, treatment and disposal using the MUSIC and DRAINS programs. Background baseline data will be gathered by APP. A detailed stormwater treatment train will then be provided to Council for approval based on this model and data collected.***

2.8 Road Design And Construction

- The proponent undertakes to submit to the PCA final detailed road works plans prepared by a suitably qualified and practising engineer.
- The Plans will include design and construction detailing for the public domain including the kerb and gutter, associated drainage works, footway formation, footway paving, associated landscaping and alignment levels for the full frontage of the property in River Street and Kerr Street.

- The Plan will be designed in consultation with Ballina Shire Council and the RTA, as appropriate.
- The carparking design and layout will comply with AS2890.1.
- A minimum of 271 car parking spaces will be provided in the development.
- The development shall make provision for two (2) Short Term Loading Zones. One (1) to be located within River Street and one (1) to be located within Kerr Street. The locations shall be along the road frontages of the site and in a location to the approval of the local roads authority.
- The completed development shall be restricted to one permanent vehicular access point to River Street and one permanent vehicular access point to Kerr Street.
- The existing vehicular access driveways which become redundant shall be reinstated to a footpath profile with kerb and gutter to the approval of the local roads authority. A net car parking credit shall apply to the development in accordance with the local authorities policy requirements for every 2.7m of reinstated driveway width or part thereof.
- All carparking and access gradients shall be in accordance with the provisions of AS2890.1- Off Street Car Parking and be appropriately linemarked/delinated prior to occupation.
- The development shall improve traffic performance of the Kerr Street/River Street roundabout by the provision of a centralised left turn lane for northbound traffic in accordance with the concept drawing SK1-Northbound Left Turn Layout. The design, documentation, service relocations and construction shall be borne by the development. These works shall only be required to be operational prior to the issue of the Occupation Certificate for Stage 3 of the development. Or alternatively in lieu of performing the works, payment to the local roads authority an amount of \$150,000 prior to the issue of the Construction Certificate of Stage 3 of the development towards necessary roadworks as determined by the roads authority which are within the immediate vicinity of the Central Business District to which this development is located.
- The development be required to pay S94 Roads Contributions calculated in accordance with the Ballina Shire Council Section 94 Plan inclusive of credit entitlements for the existing mixed retail activities, motel/restaurant and residential premises.

2.9 Landscaping Plans

- Prior to the issue of a construction certificate for the building, the proponent undertakes to submit to the PCA final detailed landscaping plans prepared by a suitably qualified and practising landscape architect.
- The Plans will include:
 - Details of earthwork including retaining walls and planter boxes;

- The location, number and type of plant specifies;
- Drainage and watering details; and
- Planting procedures and maintenance.
- The Plan will be designed in consultation with Council.

2.10 Notice Prior to Excavation

- The proponent undertakes to give written notice to Council at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

2.11 Structural Works

- The proponent undertakes to submit structural drawings to the satisfaction of the PCA prior to the commencement of construction.
- The Plans will be prepared and signed by a suitably qualified practising structural engineer.
- The proposed building structure will be designed to accord with the requirements of all relevant Australian Standards.

2.12 Dilapidation

- Prior to the commencement of construction, a Dilapidation Report detailing the current structural condition of existing and adjoining buildings and structures, infrastructure and roads will be prepared and endorsed by a qualified structural engineer. The reports will be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate. A copy of the report will be provided to the Department and Council.
- A Dilapidation Report will be prepared by a suitably qualified person at the completion of construction. The report will be submitted to the satisfaction of the PCA. A copy of the report will be provided to the Department and Ballina Shire Council.

2.13 Security

- The proponent undertakes to submit to the satisfaction of the PCA a Security Management Plan which includes appropriate measures to control risk, risk treatments and deterrents.
- The Plan is to be prepared in accordance with the recommendation in the Architectural Design Statement and supporting CPTED Statement prepared by

Crone Partners Architecture Studios, which provides the following provisions.

Built Elements:

- Vandal resistant materials and equipment will be specified wherever possible.
- The security fences and gates will be designed as grilles to allow vision through them.
- All building lobby entry doors will be clear toughened glass to allow good vision into the lift lobbies.
- All apartment entry doors will be solid core doors installed in steel frames with peepholes and dead lock furniture.
- All apartment windows and balcony / terrace doors shall have window and door locks installed.
- All fire egress doors will be solid core doors installed in steel frames.
- The residential car park entries will have security access hardware installed.
- Every residential entrance will have controlled access with a video intercom and vandal resistant night-time lighting installed.
- All apartments will have video intercoms installed.

Signage:

- All signage is to comply with the requirements of AS 1428.1 (Disabled Access Code) and AS 4299 (Adaptable Housing Code).
- All signs will be strategically placed, well lit, large and legible with strong colours, and incorporate standard symbols.

Lighting:

- Lighting to external areas will have lighting levels in accordance with the respective parts of AS1158 (Public Lighting Code) and Council requirements.
- Lighting shall be located to satisfy the requirements of AS 4299 (Adaptable Housing Code).
- For all internal areas, the minimum lighting levels will satisfy the requirements of the respective part of AS1680.
- Lighting will be controlled by time clock to ensure that appropriate lighting levels are in place at any time of day.
- All lighting within the basement car park will be colour corrected.

The Body Corporate shall be responsible for:

- removing graffiti in a timely manner,
- maintaining the communal open space under its hospices,
- regular landscape maintenance,
- repairing all broken common area lighting,
- repairing all damaged, broken or decaying building elements,

- ensuring that bins are kept in locked enclosures.

The Body Corporate shall generate and manage the following policies:

- a policy for the use of the security systems,
- a clear and fair eviction policy,
- a policy for reporting to the police.

Training

The Hotel, Café and Amenities Manager shall undertake crime prevention training and this should underpin their respective management policies.

Maintenance

The Hotel shall maintain their CCTV system.

- All security measures will be installed prior to the issue of the final occupation certificate for the development.

2.14 ESD

- The proponent undertakes to achieve compliance with the BASIX Certificate issued by EMF Griffiths Engineers Pty Ltd.
- Details confirming compliance with the above will be submitted to the PCA prior to the issue of a construction certificate for the building.

2.15 Reflectivity

- The solar reflectivity for the glazing in the development will have a reflectivity coefficient of *less than 20%*.
- Details confirming compliance with the above will be submitted to the PCA prior to the issue of a construction certificate for the building.

2.16 Materials And Finishes

- Prior to the commencement of construction the proponent undertakes to provide sample panel colours for the exterior facade of the building for final selection and the endorsement of the Department of Planning.

2.17 Open Space

- The Proponent offers to dedicate to the Council free of cost under s94 of the Act, an area of 874.5m² of land for the purpose of foreshore public open space, and will not object to a condition of development consent to that effect.
- The proponent offers to dedicate to the Council a further area of 1,188.6m² of

land for the purpose of foreshore public open space at market value as determined in accordance with s56 of the *Land Acquisition (Just Terms Compensation) Act 1991*, and will not object to a condition of development consent to that effect.

- The proponent offers to carry out embellishment works on the land but seeks an offset against monetary s94 contributions that would otherwise be levied for Open Space and Community Facilities under the applicable Contributions Plan.
- The proponent shall obtain a license from the Department of Lands to provide for the use of the slipway for pedestrian crossing, reventment works and exclusion zone for proposed works within the Richmond River.

2.18 Sewer and Water Supply Commitments

- Connect to Council's sewer and water reticules in accordance with Council's specification for sewer and water design and construction.
- Pay Council's current Section 64 Contributions for upgrades to sewer and water headworks.

3.0 Construction Phase

3.1 General

Hours of Work

- The hours of construction, including deliveries of materials to and from the site, shall be:
 - Monday to Friday inclusive: 7.00am to 6.00pm;
 - Saturday: 7.00am to 4.00pm;
 - No work on Sundays and public holidays.
- Notwithstanding the above, work may be undertaken outside these hours where:
 - The delivery of materials is required outside these hours by the Police or other authorities;
 - It is required in an emergency to avoid loss of life, damage to the property and/or to prevent environmental harm;
- Prior to the commencement of excavation, the proponent undertakes to contact "Dial Before you Dig" to ascertain/confirm the presence and type of underground utility services in the vicinity of the development.

Site Notice

- The building contractor will ensure that a 24 hour contact telephone is continually attended by a person with authority over the works for the duration of the development.
- Prior to the commencement of work, a site notice will be prominently displayed at the boundaries of the site for the purpose of informing the public of the project details.
- The site notice will be of A1 size, durable and waterproof and will display the approved hours of work, the name of the site/project manager, details of the responsible managing company and a 24 hours contact number for inquiries and complaints.
- The sign will be displayed for the duration of the construction period, will be located in the perimeter hoarding/fencing and will advise that unauthorised entry to the site is prohibited.
- The site manager will ensure that a copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification are kept on site at all times and for the duration of the construction

period.

Hoarding and Scaffolding Approval

- The applicant undertakes to obtain an approval under the Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place.
- Any application for the erection of a hoarding or scaffolding will be accompanied by structural certification prepared and signed by an appropriately qualified practising Structural Engineer.
- Compliance with the Construction Safety Act 1912 and Regulations 1950.
- The proponent undertakes to ensure that the public way will not be obstructed by any materials, vehicles, skips or the like during the construction period.

Building Code of Australia

- All building works must be carried out in accordance with the BCA as relevant at the time of lodgement of the construction certificate.

Requirements of Public Authorities

- The proponent will comply with the requirements of Country Energy, Rous Water, Telstra Australia, AGL and WorkCover in relation to the connection to, relocation and/ or adjustment of the services affected by the construction of the development.
- Details of compliance will be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

Construction Inspections

The proponent will, in accordance with the requirements of the Building Legislation Amendments- Quality Construction Act 2002, submit a copy of the compliance certificate issued by the PCA to Council for the following stages of construction:

- Foundations;
- Footings;
- Damp proof courses and waterproofing installation;
- Structural concrete, including placing and reinforcing and formwork prior to pouring;
- Structural beam and column framing;
- Timber wall and roof framing; and
- Stormwater disposal.

- Any compliance certificate issued shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia.

Construction Engineering

- Confirm the extent of influence the construction dewatering process might have on adjacent buildings.
- Undertake a dilapidation survey of adjacent properties prior to construction commencing and record the condition of the buildings.
- Ensure current Occupational Health and Safety legislation is complied with by Contractors working on site.
- Ensure the building is designed and constructed in accordance with the Building Code of Australia and related Australian Standards.
- Ensure public infrastructure is designed and built in accordance with Local Government, State Authorities and Agency requirements.

3.2 Specific

Imported fill and excavated material

- Any imported fill will be validated to ensure its suitability for the proposed land use from a contamination perspective.
- All earthworks to be carried out in accordance with as 3798; *guidelines on earthworks for commercial and residential development*.

Dust Management

- During the excavation and construction works, adequate measures will be undertaken to minimise the generation of dust on the site and to prevent dust affecting the amenity of the neighbourhood.
- Prior to the commencement of construction, the Building Contractor will prepare a Dust Management Strategy detailing the measures to minimise dust generation.
- The Dust Management Strategy will be implemented during construction and will include procedures for monitoring and compliance.
- In order to mitigate the generation of dust, the following measure will be

adopted:

- All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust and other material;
- The footpath and roadway immediate to the site must be regularly cleaned;
- The gates will be fitted with shade cloth and closed between vehicle movements; and
- All traffic leaving the site will be directed through a rumble grid or similar device to minimise the transport of dust and soil particles.
- All disturbed areas on the site, including stockpiles, will be regularly watered to suppress dust emissions and stabilised as soon as practical.

Traffic Management

- The proponent undertakes to ensure that all Traffic control on the site is controlled by an approved traffic management plan.

Archaeology

- The proponent/site manager undertakes to stop excavation works immediately should an historic relic be discovered on the site and to inform the Heritage Council of NSW in accordance with Section 149 of the Heritage Act 1977.
- The proponent/site manager undertakes to stop excavation works immediately should any Aboriginal relics be discovered on the site and to inform the National Parks and Wildlife Service in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Substation

- An electrical substation chamber will be installed on the site in accordance with the requirements of Country Energy.

Noise and Vibration Impacts

- All works will be undertaken on site to ensure compliance with Chapter 171 of the NSW EPA's *Noise Control* and Australian Standard AS2436: 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- Noise compliance monitoring will be undertaken during the initial construction

works.

- Vibration compliance monitoring will be undertaken during the initial construction works.
- A noise complaints register will be maintained for the full construction period. All complaints will be investigated and prompt action to remedy/resolve the complaint/s will be undertaken, as appropriate.

The use of Mobile Cranes

- The use of mobile cranes will be managed to minimise traffic disruption and operation will occur in accordance with the 'Hours of Work'.

Subdivision

- The proponent undertakes to prepare the consolidation plan including the associated easements and preparation of a Building Management Statement for development for those titles within the respective stages of the project.
- The Plan and the Building Management Statement in a form capable of being registered will be lodged with the Land Titles Office prior to the issue of the final occupation certificate.

4.0 Operational Phase

4.1 Waste Generation And Collection

- Waste management during the operational phase of the development will be undertaken in accordance with the *Waste Management Plan* prepared by The Mack Group dated 12 July 2006.
- During the operational phases of the development, strategies will be put in place for waste minimisation, responsible disposal of waste, reuse and recycling.
- All waste collected from the site will be undertaken within the building alignment and no waste will be placed on the public way (unless subject to the prior approval of Council).

4.2 Noise And Vibration

- During the period of 12 midnight to 7.00am, the occupation of the premise will not be audible in any habitable room of any residential premises.
- The use of the premises will not give rise to the transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- The use of the premises will not give rise to the emission on an 'offensive noise' as defined in the Protection of the Environment (Operations) Act 1997.

4.3 Lighting

- All outdoor lighting shall comply with, where relevant, AS/NZ 1158.3: Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

4.4 Separate Approvals

- The proponent undertakes to obtain separate development consent for the fitout of the commercial premises pursuant to the provisions of the Ballina LEP 1987.
- The proponent undertakes to obtain separate development consent for the fitout of the cafe pursuant to the provisions of the Ballina LEP 1987.
- The proponent undertakes to obtain separate development consent for the fitout of the offices tenancies pursuant to the provisions of the Ballina LEP 1987 (if required).

4.5 Vehicle Access

- To mitigate unacceptable traffic impacts, a sign will be located in a prominent position on the site to advise that all vehicles entering or exiting the site in a forward direction.
- The driveways, ramps and circulation within the carpark will be unobstructed at all times.

4.6 Flooding

- A Flood Emergency and Management Plan prepared by a suitably qualified person will be submitted to the satisfaction of the PCA prior to the occupation of the building.
- All tenants within the building will be made aware of the Flood Emergency and Management Plan.
- Tenants will be advised on an annual basis of the procedural requirements in the event of a flood.
- Flood warning signs will be located in the areas subject to flood inundation to warn of the risk of inundation.

4.7 Fire Safety

- An annual inspection will be undertaken of the essential services installed within the building for fire safety.
- The Fire Safety Certification will be provided to Council that the annual inspection essential services has been undertaken.

4.8 Building Services

- Building Automation System will be regularly maintained and monitored to optimise the overall building energy consumption and efficiency.

4.9 Maintenance

- The owner/building manager will ensure that the forecourt and surrounds to the development are kept clean at all times.
- The ongoing maintenance of the premises during the occupation of the development will be in accordance with approved Building Management Statement.