

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT RICHMOND VALLEY SHIRE COUNCIL ON THURSDAY 9 DECEMBER 2010 AT 4:00 PM

PRESENT:

Garry West	Chair
Pamela Westing	Panel Member
Dr John Griffin	Panel Member
Cr Col Sullivan	Panel Member

IN ATTENDANCE

Angela Jones	Richmond Valley Shire Council
Ken Exley	Richmond Valley Shire Council
Michael McKenzie	Richmond Valley Shire Council
Andrew Hanna	Richmond Valley Shire Council

APOLOGY: John Hession – Panel Member

The meeting commenced at 3.57pm. The Chair welcomed everyone to the meeting of the Panel.

1. **Declarations of Interest** - Nil

2. **Business Items**

ITEM 1 **2010NTH007 - Richmond Valley – DA 2010.031 - Rail Freight Terminal Facility, Reynolds Road, Casino**

Angela Jones gave a brief overview of the proposal.

The Chair disclosed that an environmental assessment report was received and a site visit was made by the panel in regards to the proposal.

3. **Public Submissions**

Mavis Mohammed (on behalf of Richmond Valley Rate Payers Association)	Addressed the Panel in favour of the proposal.
Glenn Swanson (on behalf of M & J Flatley, C Heaton, A Swanson and D & M Bennett)	Addressed the panel against the proposal.
Daniel Parker (JM Realty)	Addressed the Panel in favour of the proposal.
Troy Carey (JM Realty)	Addressed the Panel in favour of the proposal.
John McMahon (on behalf of Jerome Hayden)	Addressed the Panel in favour of the proposal.
Ross Maginnes (Land Creations Australia)	Addressed the Panel in favour of the proposal.
Phillip Imrie (on behalf of the applicant, Plateway)	Addressed the Panel in favour of the proposal.

4. Business Item Recommendations

**2010NTH007 - Richmond Valley – DA 2010.031 - Rail Freight Terminal Facility,
Reynolds Road, Casino**

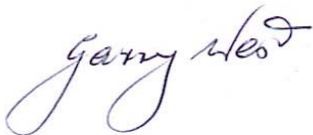
Moved John Griffin, seconded by Col Sullivan

That the Panel adopt the Council officer's recommendation to approve the proposal subject to the conditions of consent as recommended in the assessment report and in attachment A below.

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 4.53 pm.

Endorsed By

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive, flowing style.

Garry West
Chair, Northern Region Planning Panel
14 December 2010

ATTACHMENT A

STANDARD CONDITIONS

1. In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. NAM-007 Rev 4 dated 28/10/2010, NAM-010 Rev 0 dated 10/03/2010 and/or supporting documents submitted with the application and/or during the assessment process including the revised Statement of Environmental Effects dated 22 October 2010. A copy of the approved plan is attached to this consent.

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

LANDSCAPING

2. A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority and approved **prior to release of the Construction Certificate**. Landscaping plans shall be in accordance with **Council's Landscape Guideline** and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans.

The landscaping plan shall include but not limited to details pertaining to the proposed buffer zone on the western boundary and office complex. Principal Certifying Authority approved landscaping shall be completed prior to the release of the Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*

SIGNS/ADVERTISING

3. All outdoor advertising material, signs or decorative materials (including flags or bunting) shall be approved by Richmond Valley Council **prior to erection**, in accordance with Council's requirements. A separate Development Application shall be submitted.

Reason: *To preserve the amenity of the area. (EPA Act Sec 79C(b))*

CARPARKING

4. Provision shall be made for 20 (1 being for disabled persons) car parking spaces (not including truck parking) adjacent to the office complex with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Australian Standard AS2890.1 Parking Facilities – Off-Street Parking and Council's Development, Design and Construction Manuals (as amended).

An additional four (4) b-double parking spaces shall be constructed adjacent to the office complex. Documentary evidence to be submitted to the Principal Certifying Authority **prior to the release of an Interim or Final Occupation Certificate**. Design plans to be submitted to and approved by the Principal Certifying Authority **prior to the release of the Construction Certificate**.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

5. All vehicles connected with the premises/land use shall be parked within the property **at all times**. No queuing of vehicles on Reynolds Road shall occur at any time.

Reason: *To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b))*

6. The development shall provide for adequate on site vehicle parking for all tradesmen, plant and equipment and the storage of materials **at all times** during the construction phase of this development.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

CULTURAL HERITAGE

7. The location of the two (2) scarred trees within the proposed rail freight terminal facility site shall be identified on all future plans, including all Construction Certificate documentation that pertains to the site.

Reason: *To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

8. The two (2) scarred trees within the proposed rail freight terminal facility site shall be buffered and fenced off **prior to any work commencing on the site**. This fence shall be maintained and in good condition **at all times**.

Reason: *To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

9. No land or vegetation clearing shall be undertaken within 50 metres of the identified tree group until such time as Richmond Valley Council has been furnished with documented appropriate management strategies which have been agreed by the NSW Department of Environment, Climate Change and Water, Casino Boolangle Local Aboriginal Land Council, Junbung Elders Aboriginal Corporation and traditional owners.

Reason: *To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

10. The site shall be registered with the NSW Department of Environment, Climate Change and Water for inclusion in the Aboriginal Heritage Management System (AHIMS) **prior to release of Construction Certificate**.

Reason: *To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

11. A subsurface investigation strategy shall be undertaken in accordance with industry standards **prior to any work commencing on the site**, which is agreeable to both the NSW National Parks and Wildlife Service and the Aboriginal stakeholders as the preliminary field survey identified the low hills adjacent to the floodplain as areas that have the potential to retain subsurface evidence of Aboriginal occupation, particularly artefact scatters. The investigation shall be conducted under permit pursuant to the provisions of the National Parks and Wildlife Act 1974 (NSW).

***Reason:** To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

12. At any time if suspected Aboriginal material/artefacts or human remains are uncovered as a result of the development activities within the subject site the following actions shall be taken:
- a) Work in the surrounding area shall stop immediately;
 - b) A temporary fence shall be erected around the site, with a buffer zone of at least 10 metres around the edge of the site;
 - c) An appropriately qualified archaeological consultant is to be engaged to identify the material; and
 - d) If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the NSW Department of Environment, Climate Change and Water (DECCW) guidelines: *Interim Community Consultation Requirements for Applicants* (2005).
13. If human remains are located at any stage during site and construction works, all works shall halt immediately and the remains shall remain untouched. The nearest Police Station, NSW Department of Environment, Climate Change and Water, Casino Boolangle Local Aboriginal Land Council, Junbung Elders Aboriginal Corporation and traditional owners shall be notified.

***Reason:** To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

14. Casino Boolangle Local Aboriginal Land Council shall be present on site to monitor and oversee the activities when any top soil is disturbed/removed on and during all ground work activities.

***Reason:** To ensure recommendations in accordance with the Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated December 2009 as submitted in the Statement of Environmental Effects on 19/03/10 are implemented.*

ECOLOGICAL PROTECTION

15. A Wetland Management Plan shall be submitted to Richmond Valley Council for assessment and approval **prior to release of Construction Certificate**. The Plan include, but not limited to, detailed short and long-term protective measures and management strategies to protect the wetland system/habitat. Wetland management strategies shall be aimed at enhancing the wetland habitat values to develop a wetland of excellent value.

***Reason:** To ensure recommended mitigation measures to protect the wetland habitat are implemented in accordance with the Ecological Assessment by Greenloaning Biostudies Pty Ltd dated March 2010 as submitted in the Statement of Environmental Effects on 19/03/10.*

16. Final design plans of the proposed embankment which is to be constructed to provide access to the western portion of the site shall facilitate natural drainage and allow fauna movement. Richmond Valley Council shall be satisfied these requirements are adequately addressed **prior to release of Construction Certificate**.

Reason: To ensure recommended mitigation measures to protect the wetland habitat are implemented in accordance with the Ecological Assessment by Greenloaning Biostudies Pty Ltd dated March 2010 as submitted in the Statement of Environmental Effects on 19/03/10.

17. A Weed Management Plan shall be submitted to Richmond Valley Council for assessment and approval **prior to release of Construction Certificate.**

Reason: To ensure recommended mitigation measures to protect the wetland habitat are implemented in accordance with the Ecological Assessment by Greenloaning Biostudies Pty Ltd dated March 2010 as submitted in the Statement of Environmental Effects on 19/03/10.

18. Pre-clearing surveys shall be undertaken in any habitat areas to be cleared (including wetland) and submitted to Richmond Valley Council for assessment and approval **prior to any clearing on the site.**

Reason: To ensure recommended mitigation measures to protect the wetland habitat are implemented in accordance with the Ecological Assessment by Greenloaning Biostudies Pty Ltd dated March 2010 as submitted in the Statement of Environmental Effects on 19/03/10.

19. All on-site personnel (during construction and operational stages of the rail freight terminal facility) shall undertake a suitable induction process **prior to works commencing.** The induction process shall make these personnel aware of the requirements of the approval in relation to habitat protection and mitigation measures which are to be implemented to ensure wetland system and fringing vegetation is protected. A suitable induction process shall be prepared and documented **prior to works commencing.**

Reason: To ensure recommended mitigation measures to protect the wetland habitat are implemented in accordance with the Ecological Assessment by Greenloaning Biostudies Pty Ltd dated March 2010 as submitted in the Statement of Environmental Effects on 19/03/10.

20. The completed works/infrastructure (and construction works) shall not encroach within the 40 metre buffer of the 7(k) Environmental Protection (Habitat) Zone at any time. **Prior to works commencing on the site,** the extent of the buffer area shall be surveyed and fenced off to clearly delineate the exclusion area.

Reason: To ensure the wetland habitat and environmentally sensitive areas on the site are suitably protected.

WORKS

21. All civil works that will become Richmond Valley Council assets are to be carried out in accordance with the Northern Rivers Local Government Development and Design Manual, Northern Rivers Local Government Construction Manual and other Council standards/policies as appropriate.

Reason: To ensure that works are carried out to Council Standards.

22. Works within any part of the road reserve (including temporary site fencing that restricts pedestrian access, temporary disruption to traffic, etc) requires the preparation of a **Traffic Management Plan.** A number of individual Traffic Control Plans (TCPs) may be required to adequately implement the Management Plan. The Management Plan and TCPs shall comply with the provisions of the RTA document “**Traffic Control at Work Sites**” manual and shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course. The designer’s certification number is to appear on the Traffic Control Plans.

The Plan shall be submitted to and verified by Richmond Valley Council **prior to the issue of the Construction Certificate.**

The developer shall maintain all warning signs, lights, barriers and fences etc in accordance with the Traffic Control Plan, Australian Standards and Work Cover guidelines.

Safe public access around any works shall be provided at all times unless detailed in the Traffic Control Plan.

Any advertising required to be undertaken by Richmond Valley Council shall be at the developer's cost.

All contractors working on such road reserve areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council **prior to the commencement of works.**

***Reason:** To ensure works carried out in the road reserve are carried out in a safe environment.*

23. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of Richmond Valley Council. The repairs shall be carried out **prior to the commencement of the operations of the terminal.**

Richmond Valley Council shall be notified in writing, **prior to commencement of works**, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths.

Absence of notification signifies that no damage exists, and the applicant is therefore liable for the cost of reinstatement of any damage found at the completion of the works.

The public infrastructure certificate shall be issued by Richmond Valley Council **prior to the commencement of the operations of the terminal.**

***Reason:** To protect the existing and future amenity of the locality and to formally record any pre-existing damage to existing assets.*

24. Application (under Section 138 of the Roads Act) for approval to carry out any work within the road reserve is to be made to Richmond Valley Council **prior to any such works commencing.** This includes driveway crossings and aprons, water, sewerage, stormwater, road works, kerb and gutter, etc. (Completion of Council's Application for Construction of Vehicular Accessway form and payment of the cost/bond satisfies the Section 138 requirement for crossings and aprons. Bond amounts are the rates applicable at the time of payment.)

Any advertising required to be undertaken by Council shall be at the developer's cost.

The owner or contractor shall not undertake any work within the public road reserve without giving Council's Works Department **five (5) working days notice of proposed commencement.** Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

Note: Road Closure advertisement fees will be required for road closures and are required (10) working days notice of proposed commencement.

All contractors working on such areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council prior to the commencement of works.

Reason: To comply with Section 138 of the Roads Act 1993.

25. The developer shall have a suitably qualified or experienced supervisor on all projects where civil engineering works (to be vested in Richmond Valley Council) are required. The name of the supervisor, who shall be responsible for the overall supervision of the works, is to be submitted to and approved by Council **prior to the issue of the Construction Certificate**.

Reason: To ensure adequate supervision and co-ordination of the works.

26. The developer may engage contractors and sub-contractors to carry out civil engineering works that are to become Richmond Valley Council's assets. Details (name, qualifications, experience, insurance currency, etc) of proposed contractors and sub-contractors for specific civil works are to be submitted to Council's Works Department for approval **prior to the commencement of any work on the future Council assets**.

Reason: To ensure adequately qualified and experienced contractors and sub-contractors are engaged on the works.

27. All costs associated with satisfying Development Application conditions are at the expense of the developer.

Reason: To ensure that the costs of development are borne by the developer.

WORKS FEES AND CONTRIBUTIONS

28. A defects liability bond (in cash or Bank Guarantee) shall be lodged with Council. The date of Practical Completion shall be the date upon which all engineering works are completed and the defects liability bond has been paid. The bond shall be based on 10% of the value of the works that will become Richmond Valley Council's assets (Council's adopted Revenue Policy (Fees and Charges)), and will be held by Richmond Valley Council for a period of 12 months from the date of Practical Completion. The defects liability bond will be refunded at the satisfactory completion of the maintenance period (12 months).

The bond shall be paid to Richmond Valley Council **prior to the commencement of the operations of the terminal**.

Reason: To provide adequate funds for the rectification of non-compliances, or failure to carry out maintenance during the maintenance period.

29. A Civil Engineering assessment fee is to be paid to Richmond Valley Council **prior to the issue of a Construction Certificate** for the assessment of plans, issue of a Construction Certificate, and inspection of civil works that will impact on or become Council's assets. Rates are as detailed in Council's Revenue Policy (Fees and Charges), with quantities assessed from approved plans.

Reason: To ensure engineering works are designed and constructed to Council standards.

30. All building and construction work by private contractors in NSW, costing \$25,000 or more, is liable for the payment of the Long Service Levy to the Long Service Levy Payments Corporation. Construction work includes civil construction such as roads and bridges, pipelines, fuel gas and water storage and distribution infrastructure, sewerage drainage and treatment systems, retaining walls, electrical distribution infrastructure, etc. Confirmation of the payment to the Corporation (Council is an agent) is to be submitted to Richmond Valley Council **prior to the issue of the Construction Certificate**. (Payments through Council are to be made payable to Richmond Valley Council. Cheques payable to the Corporation cannot be accepted by Richmond Valley Council.)

Reason: To ensure the long service levy on private contractor constructed works is paid in accordance with State Government legislation.

31. Payment of contributions levied under Section 94A of the Environmental Planning and Assessment Act 1979 and Richmond Valley Council's Revenue Policy and Contributions Plan are required in accordance with the attached schedule. Such levies shall contribute towards the provision, extension or augmentation of public amenities or public services in accordance with Richmond Valley Council's Section 94A Development Contributions Plan.

Total cost of the development shall be in accordance with Section 5 of the Richmond Valley Council Section 94A Development Contributions Plan and clause 25J of the Environmental Planning and Assessment Regulation 2000.

Contributions required by this condition will be adjusted at the time of payment of the contribution in accordance with the formula detailed in Section 1.2 of Richmond Valley Council's Development Contributions Plan ie by CPI from the date of consent.

Where the total contribution payable exceeds \$10,000 payment to Richmond Valley Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions shall be paid **prior to the issue of any Construction Certificate**.

Reason: To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94A Development Contributions Plan (EPA Act Sec 94A).

Section 94A Development Contributions Plan			
Levy area - full Richmond Valley Council		(Job No/ Receipt Code - PLD 103)	
Total Cost of Development	Total Cost	@ % of total cost	Contribution
> \$ 200,000	\$ 12,700,000	1.0 %	\$ 127,000
Total Section 94A contribution			\$ 127,000

WORKS DESIGN

32. Existing services/infrastructure that requires reconstruction or adjusting to suit a development (stormwater, road works, footpath, kerb and gutter, etc.) are to be carried out at the developer's expense. Construction is to be in accordance with Richmond Valley Council's standards, or the affected asset owners standards, and shall be completed **prior to the commencement of the operations of the terminal**.

Reason: To protect existing services.

WORKS ENVIRONMENTAL

33. The applicant is to prepare and implement an Erosion and Sediment Control Plan in accordance with NSW Landcom's "Managing Urban Stormwater Soils and Construction, 2004.

For developments where the earthworks will involve the disturbance of greater than 2500 m² a Soil and Water Management Plan shall be submitted. Details of Erosion and Sediment Control Plan and re-vegetation works shall be submitted to Richmond Valley Council for approval **prior to the issue of the Construction Certificate**.

The plan shall contain where applicable:-

- a) Name, address and phone number of the person ultimately responsible for ensuring implementation of the plan.

- b) Site Boundaries, Scale, North Point and Locality Plan.
- c) Access protection measures.
- d) Nature and extent of earthworks including the volumes, levels and locations of cut and fill if undertaken.
- e) Where applicable the location of upstream diversion measures to divert “clean” water away from the area of earthworks.
- f) Stormwater discharge points during the construction phase.
- g) Location of all soil, gravel, landscaping material etc stockpiles.
- h) Location and type of proposed erosion and sediment control measures.
- i) Site rehabilitation measures including the timing of revegetation works.
- j) Frequency and nature of maintenance program for erosion and sediment controls.
- k) Existing and proposed contours of the site.
- l) Existing and proposed drainage patterns for the site.
- m) Location of lands where a protective ground cover shall, as far as practicable, be maintained.
- n) Approximate location of tree’s and other vegetation showing trees and vegetation for removal and retention, consistent with other plans attached to the application.
- o) Identify any areas which are to be fenced off as “no go” areas. Areas to be protected from construction activities to prevent soil compaction (future infiltration, bio retention, grass swale areas or on site effluent disposal areas) or vegetation damage (vegetation to be retained on site).
- p) Details of calculations for sediment basins.
- q) Details of any measures proposed to be kept as permanent stormwater fixtures.

During construction works all motor fuels, oils and other chemicals are to be stored and used on site in a manner which ensures no contamination of stormwater. No incidents of visible pollution leaving the construction site. No litter placed in a position where it may be blown or washed off site.

Reason: *To minimise erosion and sediment and associated impacts in accordance with the Protection of the Environment Operations Act, to protect the capacity of downstream drainage networks (both constructed and natural)*

WORKS INSPECTION/TESTING

34. Inspection and Testing Plans covering all the necessary inspections and testing of the civil engineering works that will become Richmond Valley Council’s assets (eg roads, kerb and gutter, stormwater drainage, etc) shall be submitted to and approved by Richmond Valley Council. The Inspection and Testing Plans shall be in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. Council approval of the Plan is required **prior to the issue of the Construction Certificate**.

A copy of the approved Construction Certificate plans, Inspection and Testing Plans, details and specifications must remain on site at all times during construction.

Reason: *To ensure engineering works are constructed to council standards.*

ROADS

35. The developer shall provide the following road works, with associated stormwater drainage structures, that have been designed and constructed in accordance with Council’s Northern Rivers Development and Design Manual and the Northern Rivers Local Government Construction Manual. The developer shall be responsible for any costs, including maintenance, for a period of twelve months from

1. the date of approval of completion of the work, or
2. from the date of the commencement of the maintenance bond (whichever is later).

Required road works include:

INTERSECTION - From Reynolds Road

Construction of new intersection for the intersection of Reynolds Road and Development Service Road. The intersection shall be AC surface and generally in accordance with development intersection layout plan (NAM009 Revision 1) attached to the Traffic Impact Assessment for "Summerdowns" Rail Terminal at Nammoona Dated 25 October 2010. Particular attention shall be given to sight distance and drainage of the intersection.

ROADS AND TRANSPORT INFRASTRUCTURE

- a) The provision of hinged 'Trucks Turning' warning signs are to be permanently erected and displayed on both sides of the new intersection.
- b) Provision of double unbroken line marking 80m either side of the culvert approximately 215m North from the intersection of Reynolds Road and Dargaville Drive
- c) Provisions for a "U" turn area for b-double vehicles between the terminal gate and Reynolds Road.

Road works include pavement design, drainage design, construction and sealing of the proposed roadway in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. Pavement design plans and proposed sealing details are to be submitted to and approved by Richmond Valley Council **prior to the issue of the Construction Certificate**.

Construction and acceptance by Richmond Valley Council of the intersection works and roadworks is to be completed **prior to the commencement of the operations of the terminal**.

***Reason:** To ensure an adequate road network in accordance with adopted standards.*

ACCESS, APRONS AND DRIVEWAYS

36. The proposed development Service Road between the proposed intersection works and a point adjacent to the proposed Office is to be constructed as a sealed road pavement. Design details are to be provided to Richmond Valley Council and approved **prior to the release of the Construction Certificate**. Construction of the driveway is to be in accordance with the AUS SPEC Manual (Northern Rivers).

***Reason:** To provide adequate access for the anticipated traffic that will be generated by the development.*

STORMWATER

37. All stormwater shall be directed to proposed stormwater drainage paths and ultimately to the existing natural water courses. Stormwater design plans (including pipe sizes, pit surface and invert levels, driveway and parking area levels and directions of flow, treatment details, etc) in accordance with Richmond Valley Council's standards for urban and rural stormwater drainage and should be generally in accordance with the details in the Statement of Environmental Effects. Plans are to be prepared and shall be submitted to Richmond Valley Council. Richmond Valley Council approval of the plans of the management of stormwater is required **prior to the issue of the Construction Certificate**. Plans should include but not limited to
 - a) Details of all relevant stormwater control infrastructure and how that infrastructure will minimise stormwater peak flows and peak pollutant concentrations (including lined inlet and outlet treatments)
 - b) Procedure for the installation and maintenance of relevant stormwater control infrastructure
 - c) Details of the fauna underpass

- d) Details of the proposed in-ground tank(s), pollution control methods and detention basin

All designs must have provision to ensure that all gross pollutants remain above ground and cannot enter Council's stormwater system or a natural watercourse.

Richmond Valley Council approval of the management of stormwater is required **prior to the issue of the Construction Certificate.**

Construction and acceptance by Richmond Valley Council of the Stormwater infrastructure is to be completed **prior to the commencement of the operations of the terminal.**

Reason: *To ensure an adequate stormwater drainage system in accordance with adopted standards.*

WORK AS EXECUTED

38. **Prior to the commencement of the operations of the terminal**, a suitably qualified person or the Principal Certifying Authority is required to furnish a Compliance Certificate confirming:

All drainage lines have been located within the respective easements or road reserves,

Road works are in accordance with the approved design plan, any other structures like retaining walls, etc are located in accordance with the Construction Certificate, and all stormwater has been directed to a Council approved drainage system,

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans.*

39. Upon completion of works to be vested in Richmond Valley Council, Work as Executed drawings and plans in digital format shall be submitted to and approved by Richmond Valley Council **prior to the commencement of the operations of the terminal.** (AutoCAD or similar – changes as a separate layer in red). All work as executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plan is accurate. The plans shall clearly identify any amendments (in red) to the original design. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action with respect to breach of copyright.

Reason: *To provide adequate records of services for the development.*

BUILDING

40. **Prior to any work commencing** toilet facilities must be provided at or in the vicinity of the work site.

Reason: *To provide sanitary facilities for workers.*

41. Details of any earthworks which would alter the approved site levels by more than 300 mm, in conjunction with any drainage, erosion and retaining methods shall be submitted and approved by Richmond Valley Council **prior to work commencing.** Please Note: Structural retaining walls over 600 mm in height shall require the submission of an engineer's design and timber retaining walls are not advised for boundary retaining walls.

Reason: *To ensure minimal adverse environmental impact.*

42. The location of the office building on the site must be established by a suitably qualified Surveyor and must comply with this approval.

Reason: To ensure the building is located on site in accordance with this consent.

43. All plumbing, drainage and stormwater work must be in accordance with AS3500 and NSW Code of Practice – Plumbing and Drainage and the work must be carried out by a licensed person.

Reason: Required by the Local Government (Water, Sewerage and Drainage) Regulation.

44. The building must be clad in low-reflective material.

Reason: To minimise the reflectivity of the building.

45. The application for a Construction Certificate must be accompanied by;

- i) a list of any fire safety measures that are proposed to be implemented in the building or on the land.

Reason: Required by the Regulation 2000.

46. Access for people with disabilities must be provided to and within the building as set out in Table D3.2 of the Building Code of Australia by means of a continuous path of travel in accordance with AS1428.1:-

- i) from the allotment boundary at a point of entry from a road to the doorway at the entrance floor; and
ii) from any car-parking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and
iii) from any other building on the allotment to which access for people with disabilities is required; and
iv) through the principal public entrance.

Reason: Required by Part D3.2 of the Building Code of Australia.

47. Sanitary facilities for people with disabilities must be provided as set out in Part D3.2 and F2.4 of the Building Code of Australia.

Reason: Required by Parts D3.2 & F2.4 of the Building Code of Australia.

48. The occupation or use of the building **must not commence until an Occupation Certificate has been issued** by the Principal Certifying Authority. Where Richmond Valley Council is not the Principal Certifying Authority then all documentation must be forwarded to Council within seven (7) days of issue.
(N.B. All Critical Stage Inspections must have been completed prior to the issue of the Occupation Certificate).

Reason: To monitor compliance with the Development Consent and Construction Certificate.

49. Where Richmond Valley Council is not the Principal Certifying Authority the following inspections will be required with 48 hours notice

- a) onsite Sewage Management System installation.
b) the external sewer drainage lines which have been installed by a licensed plumber. A water test is required prior to drains being covered. A layout plan of the house drains certified by the plumber must be submitted to Council.

Reason: To ensure compliance with Local Government Act 1993.

50. At completion/occupation, the following certification must be submitted to Richmond Valley Council, if Council is not the Principal Certifying Authority:
- a) 'Works as executed' diagram of external and internal drainage. A licensed plumber's certification that 'works as executed' complies with AS 3500 must accompany the diagram.
 - b) The development has been completed in accordance with the development consent.

Reason: *To monitor compliance with the Development Consent and Construction Certificate.*

ENVIRONMENTAL HEALTH

51. The use and occupation of the premises including the operation of all plant and equipment installed thereon must not create offensive noise as defined within the meaning of the Protection of the Environment Operations Act (1997).

In this respect noise monitoring of the site by a suitably qualified acoustic consultant must be carried out every quarter once the facility commences operations. A report from the acoustic consultant detailing noise levels and compliance with relevant noise standards must be submitted to Council within fourteen (14) days of each quarterly assessment. In the event the operation creates offensive noise, details of measures and recommendations required to be implemented to attenuate noise to acceptable standards must be submitted to and approved by Richmond Valley Council. Works and recommendations from the acoustic consultant as approved by Richmond Valley Council must be implemented within a time-frame acceptable to Richmond Valley Council.

Reason: *To protect the amenity of the area.*

52. Quarterly acoustic assessments must be submitted until such time that the site is fully operational and noise assessments identify that a fully operational site complies with the Protection of the Environment Operations Act (1997) as amended and relevant and recognised noise guidelines and standards.

Reason: *To protect the amenity of the area.*

53. Front end loader use on the site must be limited to the use of a front end loader that has an operational sound power level of no more than 113dB(A) and to the hours 7:00am to 10:00pm Monday to Saturday and 8:00am to 6:00pm on Sundays and public holidays.

Reason: *To protect the amenity of the area and comply with the NSW EPA Industrial Noise Policy, January 2000.*

54. The reach stacker and container loading / unloading operation must be limited to the hours 7:00am to 10:00pm Monday to Saturday and 8:00am to 6:00pm on Sundays and public holidays.

Reason: *To protect the amenity of the area and comply with the NSW EPA Industrial Noise Policy, January 2000.*

55. An application under Section 68 of the Local Government Act must be submitted to Council and approved **prior to issue of the Construction Certificate**. The Application must be in accordance with Richmond Valley Council Onsite Sewage and Wastewater Management Strategy.

Reason: *To protect the environment and comply with relevant standards.*

56. Facilities/amenities for staff working at the terminal in the western section of the site including the sites identified in the Statement of Environmental Effects as the ARTC ballast storage and loading area, the bulk product storage and loading area, and the container storage and loading area must be provided.

In this respect details of the proposed facilities / amenities to be provided **must be submitted to Council and approved prior to release of Construction Certificate.**

Reason: *To protect human health and the environment.*

57. A dust management plan must be submitted to Richmond Valley Council and approved **prior to issue of Construction Certificate.** The management plan must detail methods of controlling dust from traffic movements on the site and from the operation of the terminal including all plant and equipment stored and operated on the site.

Reason: *To protect amenity and human health.*

58. Wood and timber products including, but not limited to, wood chip, mulch, logs and the like are not to be stored on the site **at any time.**

Reason: *To protect the environment.*

59. Any outdoor lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic as specified in Australian Standard 4282 – *The Obtrusive Effects of Outdoor Lighting.*

Reason: *To preserve the amenity of the area.*

60. All hazardous/toxic/corrosive chemicals and fuels are to be stored in secure bunded area sufficient to hold 110% of the volume of the largest container. The bund floor and walls must be constructed of material impervious to the contents of any tank or container within the bund. A collection sump is to be provided within the bunded area to provide for easy removal of spilt liquids. Any spillages / leaks are to be collected and appropriately handled and not released into the environment.

Reason: *To preserve and protect the environment (EPA Act Sec 79C(b)).*

61. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

Reason: *To preserve and protect the environment (EPA Act Sec 79C(b)).*

62. An acceptable number of suitable waste containers must be kept on the premises for the storage of waste.

Reason: *To preserve and protect the environment (EPA Act Sec 79C(b)).*

NSW Rural Fire Service Conditions

Asset Protection Zone

The intent of measures is to minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and other assisting fire-fighting activities.

1. At the commencement of building works the property around the terminal facilities, open storage yards and buildings to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: *To comply with Planning for Bushfire Protection 2006.*

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings, facilities or stored products during and after the passage of a bushfire and to locate gas and electricity so as not to contribute to the risk of fire to a building, facilities or products stored in open yards.

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'
3. That the proposed development complies with Australian Standard AS 2419.1 – 2005 'Fire Hydrant Installations'.

Reason: *To comply with Planning for Bushfire Protection 2006.*

Access

The intent of measures is to minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and other assisting fire-fighting activities.

4. Property Access Roads shall comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006'.

Reason: *To comply with Planning for Bushfire Protection 2006.*

Landscaping

5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:

- a) Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the buildings.
- b) Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the buildings.
- c) No brushwood (or the like) fencing shall be used in the inner protection area.

Reason: *To comply with Planning for Bushfire Protection 2006.*