

**JOINT REGIONAL PLANNING PANEL
(Northern Region)**

JRPP No	2011NTH005
DA Number	2011.223
Local Government Area	Richmond Valley Council
Proposed Development	Integrated Retirement Village including Community Complex and Child Care Centre and to Subdivide the land to create 24 residential lots and to construct a dwelling house on each lot.
Street Address	Lot 141 DP 1067639, Memorial Airport Drive, Evans Head.
Applicant/Owner	<p>Humel Architects, PO Box 1666 Dee Why NSW, is the applicant for the Development Application. The proponent and operator of the IRV is RSL Life Care Ltd.</p> <p>Richmond Valley council is the owner</p>
Number of Submissions	Twenty Seven (27)
Recommendation	Deferred Development Consent Approval with Conditions
Report by	Senior Planning and Development Officer

Assessment Report and Recommendation

JOINT REGIONAL PLANNING PANEL DETERMINATION REPORT

JRPP NO.: 2011NTH005

DEVELOPMENT APPLICATION NO.: 2011.223

PROPOSED DEVELOPMENT: Integrated Retirement Village including Community Complex and Child Care Centre and to Subdivide the land to create 24 residential lots and to construct a dwelling house on each lot (Evans Head Memorial Aerodrome).

REPORT BY: Senior Planning and Development Officer- Richmond Valley Council.

INTRODUCTION

Reason for consideration by Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning panel pursuant to Clause 13B(2)(b) of the State Environmental Planning Policy (Major Development) 2005 as the proposal involves Council owned land with a capital investment value that exceeds \$5Million.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed development (excluding the 24 residential lot Torrens Title subdivision and construction of a dwelling upon each lot) seeks approval under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. A full assessment of the provisions of this SEPP has been undertaken and the proposal is considered to comply with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Proposal

The development application seeks consent for an Integrated Retirement Village (IRV), including Community Complex and a Child Care Centre. In addition, the development proposes a subdivision of the land to create twenty four (24) residential lots (with areas ranging 600m² - 720m²) and to construct a dwelling house on each lot. The development site comprises a 9ha portion of land that currently forms part of the Evans Head Memorial Aerodrome (EHMA) which is State Heritage Listed (No. 01649). One (1) ha of the 9ha is to be subdivided into the proposed 24 residential lots (600m² - 720m²). Primary access to the IRV is to be via Currajong Street. The 24 residential lots are proposed to have direct access to Currajong Street also.

Background and site Description

The subject site is located on the fringe of the Village of Evans Head with residential housing to the south, industrial land (light industry) to the east, the Evans Head Memorial Aerodrome is to the north and Bundjalung National Park is to the west. Council recently approved the subdivision of the 9ha portion of land from the EHMA. A deferred

commencement development consent was issued consistent with the requirements of the Department of Environment & Heritage (Heritage Council Approvals Committee).

Permissibility

The subject site is zoned 2(v) - Village pursuant to *Richmond River Local Environmental Plan (RRLEP) 1992*. For the purposes of the RRLEP, the proposal is permissible with development consent.

Consultation

The proposed development was placed on public exhibition (from the 12.02.2011 to 18.03.2011) with written notification issued to all adjoining land owners (on 09.02.2011) in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Council policy. A total of twenty seven (27) written submissions (including 2 petitions) were received during the exhibition period. The primary issues raised in the submissions relate to the perceived negative impacts the proposed development will have on existing services provided in the Evans Head area, particularly existing child care services.

General Terms of Approval have been issued by the Heritage Council (Office of Environment and Heritage). A requirement of the GTA is that development not commence until the following issues have been addressed.

- a) *A Heritage Agreement (in accordance with the provisions of the Heritage Act) is signed between the Minister administering the Heritage Act and the owner of the site and registered on the title of the site.*
- b) *A Fly Neighbourly Agreement (FNA) that is consistent with Section 8 of the Plan of Management (PoM) with supporting documentation as to how the FNA has been prepared in accordance with these principles is submitted to the satisfaction of the Heritage Council.*
- c) *An instrument under Section 88E of the Conveyancing Act 1919 between the owner/s of the site and the NSW Heritage Council which contains provisions preventing complaints regarding noise of the Evans Head Aerodrome is submitted to the satisfaction of the NSW Heritage Council.*
- d) *The final Noise Management Plan is submitted to the satisfaction of the Heritage Council."*

GTA's have been received from the NSW Rural Fire Service under s.100B of the Rural Fire Act 1997. Recommended conditions are attached to the schedule of consent conditions.

GTA's were originally sought from the NSW Office of Water for discharge of stormwater direct to the ground water table. The applicant's consultants were able to prove the development did not discharge directly to the ground water table and as such this concurrence was withdrawn.

Main Issues

The main issues arising from the assessment of the application are:

- The subdivision of the 24 residential lots from the 9ha parcel and its impact on the State Heritage listing of the land.
- The inclusion of the Child Care Facility within the Integrated Retirement Village.
- The developments non compliance with the minimum lot size identified under the draft Richmond Valley Local Environmental Plan (9ha minimum lot size).
- The potential for impact the proposed development will have on existing services within the local area.
- The density of the development.
- The need for integrated aged care within the Evans Head area.

Conclusion

This application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C (1) of the *Environmental Planning and Assessment Act 1979*.

The proposed development is permissible with development consent in the 2(v) – Village zone and has been submitted for approval under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (excluding the 24 lot residential Torrens Title subdivision and the construction of a dwelling on each lot). The proposal has been examined with regard to its environmental, social and economic impacts. This assessment has raised a number of issues with regard to the impacts of the proposed development on the surrounding environment including the impacts on the existing local community. Detailed consideration has also been given to the comments provided in the public submissions in this assessment. Based on the developments compliance with relevant planning instruments, the issue of the General Terms of Approval from the Heritage Council and Rural Fire Service and the benefits the proposed development will provide to the Evans Head area, it is considered the granting of deferred commencement development consent to the proposal is in the public interest.

RECOMMENDATION

It is recommended that Development Application No 2011.223 be approved as a Deferred Development Consent. Once the deferred development consent conditions have been satisfied, the development consent may be activated subject to conditions attached at the end of the assessment report.

Attachments:

- Independent Planning Consultants review
- Correspondence activating DA2011.125 (subdivision of 9ha lot from remainder of EHMA)
- Heritage Council Approvals Committee Report 07.12.2011
- Council response to Heritage Council correspondence (dated 19.12.2011) to JRPP.

ASSESSMENT REPORT

Abbreviations:

ACF:	Aged Care Facility
ANEF:	Aircraft Noise Exposure Forecast
DA:	Development Application
DRVLEP	Draft Richmond Valley Local Environmental Plan
EHMA:	Evans Head Memorial Aerodrome
EP&A ACT	Environmental Planning & Assessment Act 1979
GTA	General Terms of Approval
ILU:	Independent Living Units
IRV:	Integrated Retirement Village
JRPP:	Joint Regional Planning Panel
RVC:	Richmond Valley Council
POM:	Plan of Management 2009
SEE:	Statement of Environmental Effects
Seniors SEPP	<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</i>
SIA	Social Impact Assessment

Background

The recent development history affecting the subject site is as follows:

File No.	Description	Status
T.310.10	Rezoning of identified Retirement Village land to 2(v) Village	Gazetted 25 th September 2009
DA 2011.097	Remediation of land	Retirement Village site remediation works approved by JRPP on 18.01.2011. Physical works complete, awaiting fit for residential purpose certification by site auditor.
DA 2011.0125	Subdivision of 1 lot to create 2 lots- Lot 141 DP 1067639	Deferred Development consent (Heritage Office) Activated 09.02.2012

The Development Application for an **Integrated Retirement Village including Community Complex & Child Care Centre and to Subdivide the land to create 24 residential lots and to construct a dwelling house on each lot** upon Lot 141 DP 1067639 - Memorial Airport Drive, Evans Head was lodged with Council on the 7th February 2011.

Upon review of the Application, Council determined the Joint Regional Planning Panel (JRPP) would be the Determining Authority due to the developments construction cost being above \$5 million dollars. The development is Integrated Development pursuant to

s.91 of the EP&A Act as the site comprises part of land that is listed as a State Heritage item and bushfire prone (Rural Fire Service), requiring approval under s. 58 of the *Heritage Act 1977* from the Heritage Council of NSW and s. 100B of the *Rural Fires Act 1997* from the NSW Rural Fire Service. GTA's were originally sought from the NSW Office of Water for discharge of stormwater direct to the ground water table. The applicant's consultants were able to prove the development did not discharge directly to the ground water table and as such this concurrence was withdrawn.

Chronology of Assessment

Date	Event
07/02/11	Development Application lodged with Council
07/02/11	JRPP notified via website
08/02/11	Notification/ Referral to State Government Agencies, JRPP, Local Aboriginal Land Council and Elders.
09/02/11	Adjoining owners notified
12/02/11	Exhibition Period commenced
21/02/11	Additional referral to Fire & Rescue NSW and Ambulance Service of NSW
22/02/11	Additional information letter received from Office of Water
21/02/11	Advice received from Council 55+ Advisory Committee
23/02/11	Advice received from Council Transport Advisory Committee
24/02/11	Advice received from Council Heritage Advisor supporting the proposal
02/03/11	Council issued "Stop the Clock" letter to applicant
03/03/11	Additional information letter received from RTA
10/03/11	Additional information letter received from OE&H (Heritage Office)
14/03/11	Advice received from Council Women's Advisory Committee
18/03/11	Exhibition Period closed with twenty five (25) submissions received, including two petitions.
21/03/11	Response received to Office of Water enquiry for additional information
22/03/11	Council notified referral agencies of submissions (clause 61 of EP&A Regs 2000).
24/03/11	Council issued second "Stop the Clock" letter to applicant
29/03/11	NSW Rural Fire Service issued Bushfire Safety Authority with conditions
01/04/11	NSW Police Force provided comment requesting additional CPTED assessment be undertaken and recommended conditions
08/04/11	RTA advised no objection to proposed development.
11/04/11	NSW Office of Water raised no objection to the development
11/04/11	Additional Referral to Industry & Investment (Fisheries) and Environment Protection Regulation (EPA)
13/04/11	Briefing meeting with JRPP at Council Administration Building (No site inspection undertaken).
27/04/11	Environment Protection Regulation (EPA) raised no objection to proposed development.
10/05/11	Industry & Investment (Fisheries) raised no objection to proposed development.
03/06/11	Response received from Applicants Planning Consultant to Council Stop the Clock letters
26/06/11	Advice from Council to RSL Life Care Solicitors re 24 residential lots

29/06/11	Council issued third "Stop the Clock" letter to the applicant.
14/07/11	RSL Life Care solicitors provide response to point 1 of Council 'Stop the Clock' of 29/06/11
08/08/11	Response from Applicant to Council 'Stop the Clock' of 29/06/11
17/08/11	Referral to NSW Police Force of revised CPTED assessment
14/09/11	NSW Police Force raise no objection to revised CPTED assessment
19/12/11	Office of Environment and Heritage (Heritage Office) issues GTA for the proposed development, including advice to JRPP.
25/01/12	Version 1 of draft conditions reviewed by the Development Assessment Panel.
31/01/12	Determination report and associated documentation provided to Independent Planning Consultant for review of Council assessment processes.
22/02/12	Planning Consultants report received and recommendations considered
23/02/12	Draft Conditions endorsed by the Development Assessment Panel
01/03/12	Determination Report to the JRPP finalised and forwarded via email
15/03/12	Determination Meeting scheduled

Report

Applicant

Humel Architects, PO Box 1666 Dee Why NSW, is the applicant for the Development Application. The proponent and operator of the IRV is RSL Life Care Ltd.

The Statement of Environmental Effects has been prepared by Ardill Payne and Partners Pty Ltd with appended reports and studies being prepared by several consultancies.

Subject Property

Lot 141 DP 1067639, Memorial Airport Drive, Evans Head.

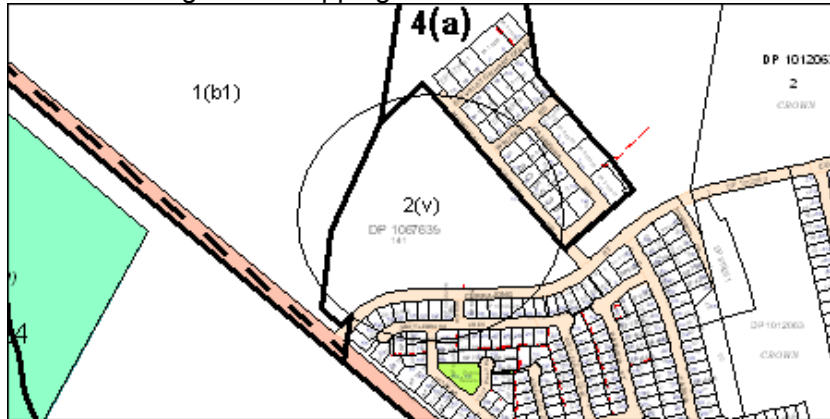
Ownership

Lot 141 DP 1067639 is owned by Richmond Valley Council (RVC).

Zoning

The subject development is wholly located within the 2(v) Village zone via the Richmond River Local Environmental Plan 1992. The remainder of Lot 141 DP 1067639 is the EHMA and is zoned 4(a) Industrial and 1(b1) Rural Secondary Agricultural Land. This portion of the land will be subdivided from the proposed development site under DA 2011.125.

Current Zoning: RVC Mapping



The site is part of land that is currently listed on the State Heritage Register due to RAAF operations during WWII as it was used for air crew training under the Empire Air Training Scheme (1939 -1943), it was designated as No. 1 Bombing and Gunnery School, and from 1943 -1945 the land was used as the No. 1 Air Observation School. Structures and remnants of that era remain on site.

Description of Development

The Statement of Environmental Effects describes the proposal in the following;

The residential subdivision involving;

- Creation of 24 Torrens Title residential lots having areas ranging between 600 - 720m² and 1 Torrens title lot having an area of 8ha lot (for the purposes of an IRV).
- A range of 13 house designs to be approved in respect of the proposed 24 lots.

The construction of an IRV community complex on the 8ha lot under the *Seniors SEPP*.

The IRV includes;

- A residential aged care facility containing 121 x single bedrooms each with en-suite.
- 41 x 1 bedroom serviced apartments (with bathroom).
- 145 x 2 bedroom (+ study) independent living units (ILU).
- Community building including licenced café/ bistro.
- Men's shed/ maintenance shed.
- Child care facility for a maximum of 40 children.
- Entry structure and signage to main entrance to Currajong Street
- Ancillary facilities including:
 - i inground swimming pool
 - ii bowling green
 - iii mini golf course
 - iv croquet
 - v outdoor chess board and
 - vi vegetable garden.

The proposed development will be undertaken in 14 stages with each subject to separate Construction Certificates. The development does not seek a staged approval under Division 2A of the *EP&A Act 1979*.

Staging of the development comprises:

Stage 1	Subdivision of land into twenty five (25) Lots as required by the Heritage Council.
Stage 2	Site filling and infrastructure works including perimeter fencing, road works, development entries, construction of 24 homes on proposed Lots 1 – 24, aged care facility – 62 beds, community building including bowling green, men's shed, swimming pool, croquet court and outdoor chess and 8 ILU's .
Stage 3	Aged care facility – 59 beds, 15 ILU's, mini golf course, vegetable garden
Stage 4	41 serviced apartments, 14 ILU's.
Stage 5	Child care centre and 15 ILU's.
Stage 6 to 14	93 ILU's.

Exhibition Period

The owners of adjoining land and land in the immediate locality were notified of the DA and it was advertised in the local newspaper in accordance with the Richmond River Local Environmental Plan 1992 (RRLEP) and Council Policy No. 2.7.6. The exhibition period was thirty seven (37) days being from 12 February 2011 to 18 March 2011. The Statement of Environmental Effects (SEE) was placed on display at the administration offices of Richmond Valley Council at both Evans Head and Casino. In addition, the JRPP posted the SEE on their website in accordance with their operational procedures.

Development Site History

The development site has been managed by the Richmond Valley Council (RVC) since 1992 when it was handed back from the Federal Government. The development site contained a Council Works depot, with the remainder of the development site being fenced off from the former aerodrome site since before 1994.

Recently Council, as the land owner, obtained the following relevant rezonings and development consents:

1. Rezoning of a 9ha portion of Lot 141 DP 1067639 from 1(b1) – Rural (Secondary Agricultural Land) and Part 4(a) – Industrial Zone to 2(v) – Village Zone under the Provisions of Richmond River LEP 1992 (Amendment No. 31)

2. DA 2011.0097- Remediation of site:
This DA related to the land subject to the DA, with the remediation of the land (removal of contaminated soil) to be undertaken so the site is suitable for residential use. All physical works on the site of the proposed retirement village have been completed under DA 2011.097 and Council is awaiting certification from the auditor that the site is fit for residential use. A Section 96(1a) is currently before the Council, as the assessing authority, which seeks to modify the original development consent so it is consistent with the amended licences by State Government Agencies to Industry & Investment (Fisheries) and Environment Protection Regulation (EPA) that were issued after the development consent was granted. The outcome of this modification is not considered to have an impact on the assessment or determination of DA 2011.223.
3. DA 2011.0125 - 2 lot Subdivision.
This approval was issued by Council on 15th February 2011 as a deferred commencement development consent pending the following requirements:
 - A. The "*Heritage Agreement Evans Head Memorial Aerodrome - Airport Memorial Drive, Evans Head*", shall be signed by the Minister administering the *Heritage Act 1977* and the owner of the subject site.

Reason: *To comply with the Integrated Development General Terms of Approval under the Heritage Act 1977 as given by the NSW Heritage Council.*
 - B. This consent does not become operative until the Deferred Commencement conditions(s) have been fully completed to Council's satisfaction.

The above condition has been satisfied and Council has activated this consent on the 08.02.2012.

Site Overview

The subject site, including a portion of the land, has formally been used as the Richmond Valley Council's Works Depot. This has been fenced off from of the Evans Head Memorial Aerodrome (EHMA) and the site is cleared and ready for construction of the proposal.

The subject site is bounded on the:

- North by the existing aerodrome site and vacant industrial land, north east is an existing light industrial estate. Beyond these sites are a SEPP14 Wetland and Broadwater National Park.
- South is Currajong Street and residential properties of the Village of Evans Head, beyond this lies the Evans River and Bundjalung National Park.
- East is Memorial Airport Drive and the Light Industrial area, further east is the northern parts of the Village of Evans Head and Air Force Beach (Pacific Ocean).
- West is the Woodburn – Evans Head Road, a SEPP 14 Wetland, further west is the Evans River and Bundjalung National Park.

The site is approximately two kilometres north-west of the Evan Head village CBD.



Source: RVC GIS Mapping

The site is described as flat with an RL of less than 7m AHD, soils are granular sand with a high water table generally less than 1.0 metre below natural ground level. The site is clear of significant vegetation and the site currently drains to the south western corner of the lot adjacent to the corner of Currajong Street and Woodburn Street. Previous drainage infrastructure has been removed as part of the remediation process.

External Referrals

GTA were sought and provided from the Office of Environment and Heritage (NSW Heritage Council) and a s. 100B Bush Fire Safety Authority has been issued by the NSW Rural Fire Service.

The DA was also referred to the following Government Agencies:

- NSW Roads and Maritime Services (RTA)
- Office of Environment and Heritage (National Parks and Wildlife)
- NSW Police Force
- Ambulance Service of NSW
- Fire & Rescue NSW

- Office of Environment and Heritage (Office of Water)
- Department of Industry and Investment (Fisheries) and
- Office of Environment and Heritage (Environment Protection Group)

A notification letter of the proposed development was also sent to the Junbung Elders Aboriginal Corporation and Casino Boolangle Local Aboriginal Land Council. Neither made submissions in regard the DA.

The DA SEE and file has also been provided to an independent Town Planning Consultant to review Council's assessment processes and this report. The subsequent response and comments has been taken into consideration and amendments made to this report where appropriate. A copy of the report of the planning consultant is attached to this report.

Environmental Planning Considerations

The following is an assessment under Section 79C (1) of the *EP&A Act 1979*.

- ***Environmental Planning and Assessment Act 1979, Section 79(c)***

79C (1) (a) the provisions of any environmental planning instrument, draft environmental planning instrument, development control plan and the regulations.

- **SEPP (Major Development) 2005**

The developments capital investment value of \$78,131,800.00 is below the \$100 million Part 3A trigger for residential development under the *Major Development SEPP 2005*. The development is above the \$10 million dollar trigger for Regional Development and as such the Joint Regional Planning Panel is the Consent Authority.

- **SEPP (Housing for Seniors or People with a Disability) 2004**

The following provides an assessment of the proposed development in relation to the provisions of the *Seniors SEPP*.

SEPP Seniors Clause	SEPP Seniors Requirement	Proposed Development
Clause 2	<p>The development will provide housing that will;</p> <ul style="list-style-type: none"> (a) Increase the supply and diversity of residences that meet the needs of seniors or people with a disability. (b) Make efficient use of existing infrastructure and services (c) Be of good design. 	<p>Complies:</p> <ul style="list-style-type: none"> i) The "ageing in place" allows for occupants to transition through various form of accommodation as they age. ii) The development will be connected to existing reticulated sewer and water. iii) The development is considered to be a good design

Clause 4	SEPP is applicable to land within NSW and zoned for residential purposes	Complies: The development will be wholly located on 2(v) – Village zoned land in accordance with RRLEP 1992.
Clause 5	SEPP states where an inconsistency exists between this SEPP and any Environmental Planning Instruments (EPI) made before or after this SEPP, this SEPP prevails to the extent of the inconsistency.	Noted: The SEPP prevails over provisions in the RRLEP 1992 and Council's DCP's as may otherwise apply.
Clause 7	Suspension of Certain agreement and Covenants	Complies: No such restriction exists that would limit or prohibit this development.
Clause 8-10	Seniors, People with a Disability and Seniors Housing	Complies: The development provides for permanent residential accommodation for seniors (including persons with a disability).
Clause 11	Residential Care Facility	Complies: The development proposes to provide a residential aged care facility with low and high care on a 24 hour 7 day/ week basis including meals, cleaning, health care, furniture and furnishing etc.
Clause 13	Self Contained Dwellings and Service Self Care Housing	Complies: The development will provide ILU's and Serviced Apartments
Clause 14	Objective to provide Whole of life aged care	Complies: The development will provide "ageing in place" care for whole of life aged care.
Clause 18	Restrictions on occupation of facility limited to: i) Seniors or people with a disability. ii) People who live within the same household with seniors or people who have a disability.	Complies: The restrictions are proposed to be re-enforced by imposition of conditions of consent and to require a 88E restriction on the title restricting occupation of the facility to seniors and/or

	iii) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP	people with a disability.
Clause 21	Subdivision of land	Complies: The IRV is not proposed to be subdivided.
Clause 24	Site Capability Certificate	Not applicable: The development does not trigger any of the restrictions in place under this clause.
Clause 26 (2) (c)	Location and access to facilities, Development must be within 400m of transport service which provide access to retail, commercial, community and medical services via suitable access pathway	Complies: Existing public transport buses are available within 400m of the site and the facility will provide transport services on an as needs basis to clients.
Clause 27	Bushfire Prone Land	Complies: A Bushfire Safety Authority under S. 100B of the <i>Rural Fires Act 1997</i> has been issued for the development.
Clause 28	Water and Sewer	Complies The development will be connected to Councils reticulated water and sewer.
Clause 30	Site analysis must be prepared by the applicant.	Complies: Site analysis prepared and submitted within SEE.
Clause 31	Consent authority to have considered of the Seniors Living Policy if infill self care housing is proposed	Not applicable: No Infill self care housing is proposed.
Clause 32	Design of Residential development	Complies: The development satisfies the design principles of Division 2 of the SEPP.
Clause 33	Neighbourhood amenity and Streetscape	Complies: The developments design has had consideration for the existing low scale residential estates and

		<p>industrial area in the vicinity of the site. It has also had significant consideration for the heritage value of the EHMA and the Heritage Council has issued its GTA for the development.</p> <p>The amenity of the neighbourhood including the proposed developments future occupants has also been considered in regards to potential impacts from the EHMA activities.</p>
Clause 34	Visual and Acoustic Privacy of the development's occupants and adjoining residences	<p>Complies: The development will have 24 Torrens Title lots which will not form part of the integrated aged care facility. They have been provided with suitable setbacks from the retirement village's buildings and services.</p> <p>The development is located outside of the 20 ANEF contour, however additional acoustic measures will be provided within the development.</p>
Clause 35	Solar Access and Design for Climate	<p>Complies: Adequate setbacks are provided between buildings within the IRV. The ILU's have been designed to maximise energy efficiency and Basix Certificates have been provided.</p>
Clause 36	Stormwater- the development should control and limit the impacts of stormwater on off site properties and the environment.	<p>Complies: Council is satisfied the developments stormwater will not have a detrimental impact on adjoining lands and the environment, subject to implementation of measures nominated in the SEE.</p>

Clause 37	Crime Prevention- CPTED principals to be satisfied.	Complies: NSW Police has assessed the proposal and provided comments supporting the development
Clause 38	Accessibility	Complies: The site is near level and all parts of the site will be accessible. The surrounding area is also relatively level and will have suitable foot paths for occupants of the IRV to access the local area, including shops and recreational activities.
Clause 39	Waste collection/ Recycling	The development will have private contractors removing waste generated from the facility. A condition of consent is recommended to ensure waste generated is appropriately managed
Clause 40	Development Standards	
<i>Development Standards Clause</i>	<i>Requirement</i>	<i>Proposed</i>
40(2) Min Site Size	1000m ²	Complies: 8.0ha
40(3) Min Site Frontage	20m	Complies: 415.25m to Airport Memorial Drive -Complies
40(4) Height in zones where residential flat buildings not required.	The land is zoned 2(v) which permits residential flat buildings.	Not applicable.
Clause 41	Standards for Self Contained dwellings to comply with Schedule 3 of the SEPP	Complies: Plans show general compliance with this schedule, Condition requiring detail construction plans prior to issue of relevant Construction Certificate, if consent is granted
Clause 47	Heritage affected land exemption from Residential care facility requirements under Part 7 of the SEPP.	Noted: The applicant has demonstrated the development will comply with part 7 of the SEPP.

Clause 48	Residential Care Facilities Development Standards	
<i>Development standards Clause</i>	<i>Standard</i>	<i>Proposed</i>
48(a) Building height	If all proposed buildings are 8m or less in height	Complies: The RACF building is single storey and has a height of 5.2m
48(b) Density & Scale	If the density and scale of the building when expressed as a floor space ratio is less than 1:1 or less	Complies: 0.49:1
48(c) Landscaped Areas	25m ² of landscaped area per residential care facility bed 3025m ² required.	Complies: 3052m ² to be provided.
48(d) Parking for residents and visitors	Required 1 space/10 beds 1 space/ 2 employees and on duty at any one time. 1 parking space for an ambulance	Complies: Occupants 12.1 spaces Staff 12.5 spaces <u>Ambulance 1 space</u> Total 26 spaces 31 spaces provided on plan.
Clause 50	Self contained dwellings (Serviced Apartments & ILU) Development standards	<i>See below assessment</i>
<i>Development Standard Clause</i>	<i>Standard</i>	<i>Proposed</i>
50(a) Building Height	If all proposed buildings are 8m or less in height	Complies: The Serviced apartments and ILU are single storey and has a height of less than 8m.
50(b) Density & Scale	If the density and scale of the building when expressed as a floor space ratio is 0.5:1 or less	Complies: Serviced Apartments FSR 0.435:1, ILU FSR 0.377:1
50(c) Landscaped Area	Min 30% of the site is to be landscaped. Required 13567m ²	Complies: Provided 19594m ²
50(d) Deep Soil zones	-15% of unbuilt upon area to have soils deep enough to support trees and shrubs. -2/3 of the deep soil zones to be in rear yard of self contained dwellings - minimum width of deep zone soils to be 3m	Complies: Existing soils support trees and shrubs, fill will be imported to raise levels after remediation works. Landscape plans show suitable sized rear yards to self contained dwellings to satisfy this clause.

50(e) Solar access	70% of self contained dwellings living and private opens space (POS) received min 3 hours of sunlight between 9am and 3pm on the 22 June.	Complies: Site plan indicates the majority of self contained units POS and living areas are orientated in a north or east direction. -Complies:
50(h) Parking	0.5 for each bedroom Required 166 spaces	Complies: Provided 185 spaces

Seniors SEPP does not exclude the proposed ancillary uses such as the community building, swimming pool, men's shed and child care centre provided those uses are justified and satisfy the objectives of the SEPP.

Council initially raised concern in regard to the need for a 40 place child care centre, within a retirement village development. In response to this query, Ardill Payne & Partners for the Applicant and proponent (RSL Life Care Ltd) have advised that the proponent has recently obtained a Retirement Village approval in place for a site in Sydney (Narrabeen) and that this approval included a child care centre. The need for a child care centre attached to a retirement village was to provide staff and occupants an opportunity for onsite child care centre as well as the general public. Advice was that some staff and some occupants of the ILU's will utilise this service as the ILU only require one senior to reside within the dwelling.

Given this, it is accepted that a child care facility is an appropriate ancillary use to the retirement village. It is however considered appropriate to regulate that 55% of available child care places to be available for relatives/ relations of staff or occupants of the IRV. This will ensure that 22 of the 40 places within the child care centre are reserved for relatives/ relations of staff and occupants of the IRV and the development remains ancillary to it. A condition of consent is recommended requiring that 55% of available child care places to be available for relatives/ relations of staff or occupants of the IRV.

Within the community building, provision has been made for a licenced café/ bistro and professional consulting rooms, where consultations can be undertaken within the facility rather than occupants having to travel to existing medical services with the Evans Head. These uses are considered acceptable as ancillary uses to the primary use of the site. The use of the consulting rooms is for occasional use and is not for use as the permanent place of business. A condition of consent is recommended requiring that the consulting rooms are not used as a permanent place of business. In addition all ancillary uses proposed under the IRV are not prohibited development under the RRLEP 1992.

The development is not located within 400m of the local shopping strip and as such an alternate mode of transport must be provided. A local bus company provides a bus service from the corner of Currajong and Memorial Airport Drive which is with 400m of the main administration building and a mini bus service is proposed to be provided to the occupants of the facility on an as-needs-basis for transport to local retail, banking, community and medical services. In addition, the bus will be available for trips to Ballina and Lismore where more and a higher range of services are provided.

Given the above, it is considered the proposed IRV satisfies the objectives and design requirements of the *SEPP (Housing for Seniors or People with a Disability) 2004*.

- **SEPP 44 (Koala Habitat Protection).**

The site does not contain any koala food trees. An assessment of the potential for impact on koala habitat was provided in the fauna and flora study prepared for the DA. The assessment concluded that the site did not support any koala habitat and as such a Koala Plan of Management was not required.

- **SEPP 55 (Remediation of Land).**

The remediation works have been carried out in accordance with the Contaminated Land Planning Guidelines and in accordance with the Remediation Action Plan (RAP) for the site. Required notification of the completion of remediation will be to Council within 30 days of completion of the works in accordance with SEPP 55.

- **SEPP 71 (Coastal Protection).**

The site is located within the coastal zone as defined by SEPP 71 and as such is required to comply with the relevant provisions of SEPP 71. Proposed Lot 1 which contains the proposal is not located within a sensitive coastal location.

Clause 8 of the *SEPP 71 (Coastal Protection)* list “matters for consideration”, The site is set back approximately 1.0 km from Airforce Beach and 1.4km from the Evans River. It is considered that this development will not obstruct or affect the foreshore areas, views to and from these water bodies or affect activities currently undertaken in the vicinity of these water bodies.

The developments design, bulk, scale, materials, colour scheme and landscaping are in keeping with its coastal location, the POM 2009 and it is considered the development will not detract from the scenic quality of the area.

The development will not significantly impact animals and plants and their habitats and will not impact fish and marine vegetation and their habitats. It is considered the development satisfies the matters for consideration under Clause 8 of the SEPP 71.

Clause 14 of the *SEPP 71 (Coastal Protection)* relates to public access, it is considered the development will not affect existing foreshore access.

Clause 15 of the *SEPP 71 (Coastal Protection)* relates to Effluent disposal, the development will be able to connect to a reticulated sewerage disposal system which has the capacity to accommodate the development.

Clause 16 of the *SEPP 71 (Coastal Protection)* requires stormwater discharge to not be untreated. The Stormwater Management plan will ensure the stormwater leaving the site is treated to minimise its environmental impact.

The development will not significantly impact on the aims and objectives of *SEPP 71 (Coastal protection)*.

- ***Draft Competition SEPP***

The Competition SEPP (Draft) guides consent authorities on the amount of weight that should be given to competition between proposed and existing uses/ businesses. In the absence of any gazetted policy of Council or the State Government, Council has considered this SEPP (draft) in relation to submissions made particularly in relation to the child care centre and the proposed swimming pool and the impact of the facilities on existing facilities elsewhere in the local area.

The draft document indicates competition between two or multiple similar business should not be a reason for refusal of a DA as market forces will dictate the most efficient and cost effective business will prosper. Given this, it is not proposed to restrict use of the child care centre or the swimming pool on the basis of increased competition to existing potentially competing land uses. The recommended condition allocating 55% of child care placements to staff or occupants of the IRV is to ensure the child care centre remains ancillary to it.

- ***SEPP (Infrastructure) 2007; Traffic-generating development (Clause 104; Schedule 3)***

The DA was referred to the RTA for comment. The RTA raised no objection to the proposed development.

- ***SEPP (North Coast Regional Environmental Plan)***

The following clauses of SEPP North Coast Regional Environmental Plan have been considered and Council is satisfied the proposed development does not contravene the provisions or intent of the plan.

Clause 15 Development control-wetlands or fishery habitats.

Clause 15 requires the consent authority to consider the impact of development upstream of a river in regards to public foreshore access, habitat loss, pollution, water quality. Appropriate and sufficient measures are proposed to minimise the potential for adverse impact (including pollution) on down stream wetlands and fish habitats by implementing the recommendations of the stormwater management plan. There is no loss of habitat as a consequence of the proposal. The proposal does not impact on public foreshore areas nor native vegetation surrounding wetlands located in the vicinity of the site.

Clause 29A Development Control-natural areas and water catchment.

The proposal does not include the removal of any native vegetation.

Clause 32B Development Control— Coastal Lands.

The proposal is consistent with the strategic actions and goals of the NSW Coastal Policy 1997. The development is not within the Evans Head Coastline Hazard Definition Study (2004) and will not be subject to coastal processes or hazards. The development is consistent with the North Coast Design Guidelines. The bulk, scale, height, materials, colours and external finishes of the buildings are consistent with the character of a coastal town.

Clause 36 Heritage Items, generally.

The EHMA is identified as an item of State heritage significance. The Statement of Heritage Impact provided with the DA SEE satisfactorily addresses the requirements of this clause.

Clause 36A Heritage Items of State and Regional Significance.

The DA was considered by the Heritage Council. Council has received the GTA for the development and the terms of approval are required to be placed on any consent granted.

Clause 43 Development Control – residential development.

The proposal will provide for a range of housing types at a density that is consistent with the density provisions of the *Seniors SEPP* and consistent with the POM 2009 for the site.

The development will be serviced by the existing road network and all internal driveways will be sealed. Sedimentation controls will be provided and maintained during construction works and the site will be suitably landscaped to minimise potential ongoing sediment erosion.

- ***Richmond River Local Environmental Plan (RRLEP) 1992***

Pursuant to Clause 9 (Zone objectives and development control table), the development site is zoned 2(v) Village zone. The remainder of the aerodrome land is zoned 1(b1) Rural (Secondary Agricultural Land) with a portion being 4(a) Industrial. The proposed development will be carried out wholly on land which is zoned 2(v).

The zone objectives of the 2(v) Village zone are:

- (a) to retain the essential character of rural and coastal villages;
- (b) to provide for development of a full range of village activities that are compatible with the character and amenity of the village; and
- (c) to set aside, by means of a development control plan, specific areas within the zone for varying uses and intensities of uses

The proposal is considered to satisfy the 2 (v) Village zone objectives by;

- (a) Promoting a low scale development which is sympathetic to the heritage values of the land and is in keeping with the adjoining low scale industrial and residential uses.
- (b) Providing a wide range of housing types within the development for the 55+ age group.
- (c) Providing activities/services within the IRV for its occupants and access to the wider community activities/ services that are compatible with the character of the community.
- (d) Providing a development that satisfies the control plan area requirements for the Future Retirement Village area under DCP 10.

The proposed development is permissible with the consent of Council.

Clause 18A - Development on land containing Acid Sulphate Soils (ASS). The site is identified as having a Class 3 potential for acid sulphate soils wherein works beyond 1 metre depth natural ground require consent of Council. The proposal will generally not

extend to this point except for installation of services infrastructure. The acid sulphate soils investigation of the site has revealed no potential or actual acid sulphate soils exist on the site.

Clause 21 - Environmental Heritage. This Clause details that works on a heritage listed item must require the prior approval of Council and that the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item. The site is State Heritage listed and GTA's have been provided from the Heritage Council. The sites heritage value is managed under the Plan of Management 2009, which has been prepared by RVC as the owner of the land in consultation with NSW Heritage Council.

Council in the assessment of this DA has considered the impact on the heritage item and found the design and orientation of buildings seeks to reflect the linear, regimented appearance of the wartime aerodrome, with large bulky single storey buildings fronting Memorial Airport Drive. Runways and taxi ways remain clear of buildings and are easily identifiable in the landscape and distinct areas of housing types (Aged Care, ILU's) are designed to mimic the former distinct functional RAAF areas (administration & accommodation).

The colour schemes proposed are sympathetic to the surrounding area. The site has been assessed for its significance and it is considered that the development would not detrimentally affect the heritage significance of the item.

- ***Draft Richmond Valley LEP***

At the time of lodging the DA, the Draft Richmond Valley Local Environmental Plan 16th August 2010 (draft RVLEP) was on public exhibition, Gazettal is pending. The development site is proposed to be zoned R1 (Residential) under the Draft RVLEP. The remainder of the aerodrome site is to be zoned RU1 (Rural) with a portion of land at the rear of the existing industrial zone land to be zoned IN1 (Industrial). Under the draft provisions for this zone, an IRV as proposed and residential housing is permissible within the zone.

Under the draft provisions for the R1 (Residential) zone, the proposed IRV is consistent with the zone objectives of the Draft RV LEP as the development provides varying types of housing for the community in close proximity to the goods and services.

Part 4.1 Minimum Subdivision Lot Size; the subdivision of the land for 24 residential lots is not consistent with the minimum 9ha lot size required under the Draft RVLEP for the site. The rezoning of the land was for the purpose of permitting a retirement village at this site and the 9ha lot size of the 2(v) Village zone was reflected in Council Draft LEP. Council and the Heritage Council in its assessment of this development application are accepting of the non compliance with the 9ha minimum lot size under the Draft RVLEP, as the development is able to meet the zone objectives and the IRV site maintains a practical and efficient layout to meet the intended use.

The proposed 24 Torrens Title residential lots to be created and separately on sold to the general public does not satisfy the minimum lot size for the parcel of land under lot size map of the Draft RVLEP. Council has raised its concerns in writing with the

applicant and provided the Office of Environment and Heritage copies of this documentation. Council's concern related to potential problems with state and local government agencies dealing with multiple land owners on a State Heritage listed site, on going compliance ensuring development conforms with any development consent granted, lack of control the retirement village would have over individual land owners making complaint against the retirement village operations & ensuring consistency with the current Plan of Management for the site. Council suggested greater control could be achieved via community title subdivision of the lots with a strata body set up to represent all land owners. Advice received from the applicant's solicitors and provided to the Heritage Office was that without a Torrens Title subdivision the development would not be financially viable.

Council provided a response to the applicant that it would rely on the decision of the Heritage Council in regards to the Torrens Title subdivision, as the greatest impact would be on the integrity of the state heritage listing over this portion of the site.

The non compliance with the draft Richmond Valley LEP has been considered and whilst not desirable for the reasons stated above, they are not sufficient reasons to refuse the entire development, given the Heritage Office's acceptance of the Torrens Title subdivision via the conditional approval. Council is only required under Section 79C of the Act to give consideration to any draft Environmental Planning Instrument.

Part 5.10(4) Heritage Conservation; Council must consider the effect of the proposed development on the heritage significance of the heritage item. The site is State heritage listed and the development has received GTA from the Heritage Council. Council has considered the heritage significance of the land and is satisfied the development will not detrimentally impact the state heritage item.

Part 6.3 Development Control Plan; In February 2012 Council released a Draft Richmond Valley DCP (2011) for public comment. This DCP is the consolidated DCP for the Richmond Valley local government area. Consideration of this draft DCP has found the proposed development site to be wholly located within the R1 (low density) residential development, with similar design criteria as currently found in low density control plan area of DCP 10 (Evans Head).

Part 7.3 Acid Sulphate Soils; the site is identified as Class 3 Acid Sulphate Soils, Preliminary testing by the applicant found no known or potential Acid Sulphate Soils on the site.

Part 7.9(4a) Natural Resources – land; the development must be designed, site and managed to avoid any potential adverse impact and is unlikely to affect the rate, volume and quality of water leaving the site. The Storm Water Management Plan with mitigation measures such as permeable paving, gross pollutant traps, grassed swales and rainwater storage tanks means the developments impact on down stream environments are minimised.

Part 7.11 Flood Planning; the site is not identified as being flood prone land under Council mapping, however given the area of the site and the design of the stormwater management system which utilises the internal road system as an overland flow path for stormwater during intense rain events. Ensuring the habitable floor level of the buildings are above road pavement level has been recommended as a condition on the consent.

Part 7.13 Airspace Operations; no development is to penetrate the obstacle limitation surface for the EHMA. This development satisfies this clause.

Part 7.14 Development in area subject to Aircraft Noise; this clause applies to land within the level of 20 ANEF. The development satisfies this clause as it is sited outside of the 20 ANEF level.

- ***Development Control Plan No. 5 - Acid Sulphate Soils.***

Investigations have found the site does not contain potential or actual Acid Sulphate soils.

The proposal development is consistent with provisions of the DCP.

- ***Development Control Plan No. 9 – Water Sensitive Urban Design (WSUD).***

The development is required to satisfy this DCP so as to reduce stormwater volumes, improve water quality and implement the principals of WSUD. A Stormwater Management Plan has been prepared in accordance with DCP No. 9 which incorporates measures such as permeable paving, gross pollutant traps, vegetated swales, rainwater tanks and above ground stormwater detention areas.

The proposal development is consistent with provisions of the DCP.

- ***Development Control Plan No.10 – Evans Head; Control Plan Area FRV (Future Retirement Village) and I1 (Industrial light).***

The proposed development will be carried out on land which has been identified as control plan area FRV (Future Retirement Village) and I1 (Industrial light) where the previous Council depot was located. The FRV control plan area does not contain any development controls, and as such a merit based assessment has been undertaken for the IRV under the *Seniors SEPP*. The site zoned 2(v) Village under RRLEP 1992 and the Senior Living SEPP prevails over DCP10.

The majority of the residential dwellings proposed upon the 24 Torrens Title lots are also within the FRV control plan area and are subject to a merit based assessment. The applicant has undertaken an assessment of the 24 residential lots against the R1 (low density residential) control plan area of DCP 10 which is found on the southern side of Currajong Street. This is considered the most appropriate control plan area to assess the 24 residential dwellings against. It was found that all but one provision under the R1 control plan area was satisfied by all house designs on the 24 lots. The provision that was not satisfied was the building height plane. As all house designs have been created with regard to the house design for the adjoining lot, it is considered the intent of the building height plane (which is to protect amenity and limit overshadowing of usable areas) has been satisfied.

The majority of the I1 (Industrial) control plan area extends over the IRV and as such its provisions do not apply. The I1 (Industrial) control plan area also extends over approximately 6 of the Torrens Title residential lots. The lot sizes proposed on these 6 lots will not satisfy the minimum subdivision lot size under the Industrial control plan

area. However, these lots are zoned 2(v) Village and do satisfy the minimum lot size of 600m² for R1 (Residential) Control Plan Area and the Objectives of the 2(v) Village zone under RRLEP 1992. The non compliance with the Industrial zone is an anomaly within the DCP as DCP 10 has not been updated to reflect the recently gazetted zoning of this land. Given this, it is considered the development satisfies the provisions of DCP 10.

- ***Crime Prevention through Environmental Design(CPTED)***

CPTED assessments were undertaken by NSW Police and Ardill Payne. The recommendations of NSW Police have been formulated into recommended conditions of consent.

79C (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The context and setting of the proposal and associated works is considered reasonable in this locality. The extent of physical works proposed will be undertaken in 13 stages of construction, over an anticipated 5 to 7 year period. Works will commence along the Currajong Street frontage with individual lots and their dwellings, entrance to the IRV and community building being constructed first. When viewed from the adjoining residential subdivision the development will not look dissimilar to the existing subdivision, with similar scale and density. Strict adherence to the design and colour schemes of the proposed dwellings is conditioned to reflect the heritage values of the site.

The buildings to be erected within the development comprise single and two storey buildings. The density of the development when compared to the surrounding 'traditional' residential subdivision and development is considered high, however the development is consistent with the density criteria under the *Seniors SEPP*.

Adequate car parking and vehicle manoeuvrability is available on site for all types of vehicles that are expected to access the development. Increases in vehicle movements will be expected as a result of the development. Councils Works Section has provided assessment on the developments impacts on the road network and water, sewer and stormwater infrastructure. Council referred the DA to the RTA for comment and no objection was raised.

There will be a substantial increase in sewer loadings to the existing system. Upgrade reports and designs prepared in recent years by Council included provision for additional loadings from the site in accordance with the original concept plans. The actual loadings associated with the formal application are in excess of those originally planned for. Conditions of consent are proposed that as part of the detailed design work, assessment is made downstream of the development site to quantify any adverse impacts. Any such impacts will need to be addressed by the developer at the developer's cost. A new Council sewer main will be constructed by the developer to connect the 24 Torrens Title individual lots to Council's existing infrastructure. The internal sewer serving the IRV discharge to Council's system is subject to final detailed design by the developer.

Water supply services may be provided from Council's existing reticulation. No extensions to Council's mains are proposed. Council is supportive of the opportunity to have two (2) services coming off the two (2) road frontages to maintain supply to the site

in the event of a shut down of one of the supply mains. A condition is recommended for individual water services for the 24 residential lots.

Kerb and gutter and roadworks are proposed by the developer to “complete” the residential nature of the Currajong Street frontage of the 24 Torrens Title subdivision lots. In order to cater for mobility scooters, bicycles and pedestrians, a number of sections of path ways have been conditioned to provide connection between the IRV and Council’s existing network leading all the way to the CBD of Evans Head.

Landscaping related conditions are proposed to ensure that plants/trees are suitable for the location given that additional infrastructure is proposed in the same location.

Telephone and electricity services are available to the site. Town water supply and sewer are available to the site. The demand on these services is expected to substantially increase due to the density of the development and expected population. Conditions of consent including payment of developer contributions for community services and facilities and infrastructure are recommended to address the increase in demand on these services.

The IRV will provide short term employment opportunities during the construction phase and long term employment opportunities once the facility is operating. The SEE indicates that the total staff number for a fully operating facility is 40 including administration, nursing and maintenance staff. In addition to this, the facility will become a significant employer in the lower river and particularly the Evans Head Village.

It is considered that the proposed development will provide short and long term benefits for the community of Evans Head through the provision of employment and needed aged care services to Evans Head and the surrounding area. The development will also provide additional land for residential development, through the provision of the 24 Torrens Title residential lots and will increase the range of housing options within the Evans Head as aged persons move from their existing housing into the retirement village facility.

The following considers the suitability of the site and potential impacts of the development on the local environment.

Geotechnical issues

The SEE has provided a geotechnical assessment which identifies that the site is fit for residential purposes provided the incidence of high ground water is considered and addressed during construction.

Contamination

Council is awaiting site auditors certification that the site is fit for residential use.

Visual

The development of the 24 residential allotments provides a visual transition between the IRV and the residential development on the southern side of Currajong Street.

Consistent and sympathetic external finishes and colour schemes create identity which is complimentary to the heritage values of the site.

The site will also be significantly landscaped in accordance with the submitted landscape plan to create a familiar and visually attractive environment for the residents. The buildings fronting Memorial Airport Drive comprising the aged care facility reflects the scale of the buildings that were originally located on the aerodrome, consistent with heritage value of the site and with the industrial buildings on the eastern side of Memorial Airport Drive.

European Heritage

The EHMA is listed under the State Heritage Register (No. 01649) for its historic, associative, aesthetic, social and representative values. The site forms part of the land subject to this listing.

Residential development on the site is consistent with the aerodrome Plan of Management (POM 2009). The Applicants heritage consultant has assessed and provided comment on these requirements and how the development achieves compliance. Council's heritage advisor raised no issues in regard the proposed development.

The design and orientation of building seeks to reflect the linear, regimented appearance of the wartime aerodrome, with large bulky single storey buildings fronting Memorial Airport Drive. Runways and taxi ways remain clear of buildings and are easily identifiable in the landscape and distinct areas of housing types (Aged Care, ILU's) are designed to mimic the former distinct functional RAAF areas (administration & accommodation).

In relation to the 24 Torrens Title residential lots, Council raised concerns regarding the mechanisms to be put in place to ensure that the 13 house designs and colour schemes as proposed are utilised when 24 separate land owners are involved. Conditions of development consent are recommended which require compliance with the 13 house designs. Should a landowner desire to vary the design of the approved dwellings a development application will need to be lodged and will be considered on its merit.

Council raised concern with the Applicant in relation to ensuring a connection existed between the IRV and the individually owned lots. After consideration of the applicant's response that the development was financially unviable without the 24 residential Torrens Title lots, the view was taken to rely on the Office of Environment and Heritage (Heritage Office) ability to ensure the heritage value of the land was not detrimentally impacted upon by permitting the individually owned lots to be approved as part of the development.

The SEE and associated documentation was referred to the Heritage Council and formal concurrence was received for the development.

Advice to the JRPP was also given in the Heritage Council's GTA's which stated the following concerns;

- a) When the initial concept for a retirement village at the site was given conditional endorsement by the Heritage Council in 2005 it was presented by

- Richmond Valley Council as the only viable option for the use of the site, and this is no longer the case;
- b) The Heritage Agreement that the Minister has entered into with Richmond Valley Council for the site only benefits the site while Richmond Valley Council is the owner of part of the Aerodrome. It is understood that Richmond Valley Council is in discussions with another party for the purchase of the remainder of the site for a residential airpark.
 - c) Although the proposed retirement village has been considered acceptable with regard to impacts on heritage significance the Heritage Council has concerns regarding the scale and density of development at the site;
 - d) The nature of the proposal is different from the original concept proposed by the Richmond Valley Council in that it is no longer a retirement village only but now also consists of separate Torrens Title lots.

Council as the land owner has provided a response to the Heritage Council's concerns stated above. This response is attached to the end of the report.

The GTA's conditions provided by the Heritage Council required the development be staged into the following:

- Stage 1 shall consist of the subdivision of the land into 25 Lots.
- Stage 2 shall consist of actual works including, but not limited to, site preparation, installation of services and construction.

Section 83B(2) of the EP&A Act 1979 states *"A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application."* The applicant has not requested the development be staged, as such the DA is not staged development under s83B of the Act.

Council as the certifying authority for subdivision of the 25 Lots will be responsible for interpretation and compliance with the GTA conditions placed on the DA. It is considered compliance with GTA's are achievable.

The proposed development ensures protection of the existing aviation use of the EHMA by being outside the 20 ANEF contour and by providing noise control measures installed:

- 6.38mm laminated acoustic glass to Blocks A, B, C, C1, D1, O, S, V, W, X, Y & Z
- Acoustic wall and ceiling insulation to all buildings (including the 24 residential dwellings).
- Air-tight door and window seals to all buildings (including the 24 residential dwellings).

In summary, whilst the use of the land changes significantly from the WWII aerodrome that development has not existed on the site for many years and it is considered that the heritage significance of the site is not diminished by the proposed development.

Indigenous Heritage

The site is significantly disturbed from its original state both as a consequence of aerodrome development and operations and the site remediation which involved removal of the top soil and all vegetation from site.

Investigation of the site in regard indigenous heritage was undertaken prior to the remediation works been undertaken and no objects or places of indigenous heritage value were found on the site.

Council also referred the DA to the Local Aboriginal Land Councils for comment and received no advice contrary to the assessment made in the SEE that the site contains no evidence which might be of indigenous heritage value.

Flora and Fauna

Due to recent remediation works, the entire development site has been stripped of its top soil which contained the contamination and the remaining soil has been grass seeded. A fauna and flora study was undertaken on the site prior to approval of the remediation development and as part of this development application. Those studies concluded that the site contained no significant or threatened flora or fauna.

Local water ways down stream of the site have been identified as containing the threatened fresh water Oxylean Pygmy Perch. Mitigation measures such as bio retention swales, the use of water tanks as wet weather storage and providing buffering of the habitat have been adopted as part of the development to ensure that stormwater discharge from the site does not impact on the species aquatic habitat.

The flora and fauna study concludes that the development was unlikely to have a significant impact on threatened species, populations or ecological communities or their habitats.

Traffic, Transportation & Parking

A traffic, transport and parking assessment has been undertaken and submitted with the DA. The assessment confirmed that the development provided adequate off street car parking in accordance with the *Seniors SEPP*.

The assessment confirmed that the local road network was capable of accommodating the estimated additional traffic volumes and that the site is able to be serviced by public transport (bus) and taxi. A condition of consent is proposed that a bus stop be provided to accommodate the public transport availability. Currajong Street has a roundabout at each end for the smooth flow of vehicles through the intersections. The internal roads are capable of accommodating emergency service vehicles and medium size moving trucks. Access to the Aged Care Facility will be via entrance on Memorial Airport Drive. The proposed "rear" access to the site off Memorial Airport Drive is not currently road reserve and will become road reserve as part of the subdivision approved under DA2011.125 to create the 9ha Lot.

The proposed 1.2m wide pathways are not considered suitable for shared mobility scooter / pedestrian / bicycle use. A wider width has been included in the conditions of consent so that a more appropriate path way system is constructed within the limitations of each area to be serviced. The superimposing of the landscaping plan on the path way area may cause construction/maintenance issues for infrastructure. The landscaping plan to be submitted with any construction certificate must have consideration for existing services.

In addition, the development will provide a mini bus service to occupants on an as needs basis. Councils Works Section is supportive of the conclusions made in the traffic, transport and parking assessment, subject to conditions.

Disability Access

The site is flat with little change in topography which may affect disabled persons accessing public areas within the IRV. The proposed 24 residential lots housing designs have the ability for at least one bedroom on the ground floor, which will allow for disabled persons access, if needed.

The site will be linked to Evan Head Village by pedestrian/ cycle paths which allows for future occupants access by foot, cycle or electric scooter. In addition a bus service will be provided to occupants of the IRV on an as needs basis.

All buildings are required to meet current requirements under the *Seniors SEPP*, Building Code of Australia and relevant Australian Standards and recommended conditions of development consent reaffirm this.

Social Impact

Council required a SIA to be undertaken in order assess the potential social impacts of the development on the local community. This was, in part, as a response to, a number of the public submissions received raising concern the proposed child care centre in the IRV and whether or not it would have potential to impact on the viability of existing child care facilities in Evans Head and the potential social impacts of the facility as a whole on existing medical services in Evans Head including use of existing the Ambulance Service.

Council sought comment from the Ambulance Service of NSW Regional Headquarters. No response was received.

The SIA concluded that the development would have an overall positive impacts for the local community, as it provided much needed aged care facilities for the local population.

In relation to the 40 place child care centre, the SIA stated the child care centre was able to provided services that the existing child care facilities don't provide such as under 2 year old child care, and picking up any children that are unable to find a place in existing facilities which would be a benefit for the community.

The SIA also stated the child care centre would be purpose built and operated to service unmet needs of the community. The proposed child care centre is located adjoining existing residential areas of Evans Head and is sufficiently setback from the existing

industrial area so as not to impact on future developments on the industrial area and will not be affected by existing development within the industrial area.

The impact on existing medical services within Evans Head has also been considered. The concern from the public submissions was that waiting times to see a General Practitioner (GP) at the existing medical centre would be further extended, with local GP's being called out to the nursing home.

Whilst there may be an increase in waiting periods to see local GP's due to demand and commitments at the IRV this can be appropriately managed between the local medical centre and management of the IRV.

The operational practices of the retirement village, such as where they source on-call and emergency medical assistance have not been provided to Council. However it is anticipated that elderly persons who currently see local GP's at home will now see them at the retirement village, with only a slight increase in persons wanting to utilise local GP services. In addition, the aged care facility within the IRV will also provide nursing services to occupants of the ILU's on an as needs basis, which will reduce the demand for and on existing community based nursing services within Evans Head.

Water

The development will result in a significant increase in impervious surfaces which could lead to potential impacts on water quality off site. In addition mini golf and croquet lawns may be a source for additional nutrient loads into local waterways. A conceptual stormwater management plan has been provided with the DA which shows the site upon completion can meet the principles of Water Sensitive Urban Design (WSUD) as expressed in Council's Development Control Plan No.9.

The issue of collection, treatment and disposal of stormwater was considered by the Office of Water, Office of Environment and Heritage and Industry and Investment (fisheries) none of which raised any substantive concern.

Noise

Noise generation during the construction phase is considered to be acceptable with normal building hours mitigating construction noise. The closest receptors will be the existing residential subdivision to the south and some care takers units within the Industrial estate. As the 24 residential lots are constructed and occupied they will become the closest receptor with once again normal construction hours limiting impacts.

Once the development is complete there will be potential for multiple noise sources and noise receivers such as aerodrome operations and IRV occupants, retirement village operations centred around the community building and recreational facilities, the 24 residential lots and the care takers units in the industrial estate. In addition, there is potential for noise conflict between the child care centre and the industrial zone.

An acoustical assessment has been undertaken for the DA. The assessment concluded that the proposed development is out side of the 20 ANEF contour and as such, no additional acoustic treatment to buildings is required. The DA proposes additional acoustic measures to be installed including 6.38mm laminated acoustic glass to

residential blocks fronting the aerodrome, acoustic wall and ceiling insulation to all buildings and air-tight door and window seals to all buildings (including the 24 residential dwellings), despite of no requirement for such. This will assist in reducing the potential for noise impacts from the use of the aerodrome onto the development. Potential noise impacts from the development to existing receptors are considered minimal, given the buffers currently provided i.e. road ways. The use of the community building within the IRV will be limited by recommended conditions to reasonable hours of operation.

Waste Management

The site will generate waste during construction and during the operation of the facility. Given this a waste management plan is required to be submitted to Council for approval prior to the construction phase and facility operations. It is considered that appropriate waste management can be achieved in accordance with Council requirements.

Natural Hazards

The site has been mapped as containing areas of potential acid sulphate soil (ASS). Preliminary testing of the site has found that the site does not contain actual or potential acid sulphate soils; therefore no further action is required.

The site is not flood prone or is affected by coastal processes. A minimum floor level is recommended as a condition due to the internal roadway system being utilised as an over land flow path during significant rain events.

Bushfire

Part of the site is identified within the 100m buffer area of bush fire prone land (i.e. land to the south of Woodburn- Evans Head Road). A s.100B approval under the *Rural Fires Act 1997* is required as the development is a 'special fire protection purpose'. The NSW Rural Fire Service (RFS) has provided a conditional Bush Fire Safety Authority which is included in the recommended conditional approval. The conditions involve bushfire construction measures to dwellings and ILU's that are considered likely to be impacted upon during a bush fire emergency. The development is required to provide bushfire ember protection construction measures. It is considered with suitably design emergency response plans the development can satisfy NSW RFS *Planning for Bushfire Protection 2006* guidelines.

Cumulative impacts

The cumulative impact of the development have been considered in relation to the heads of consideration under s. 79C of the *EP&A Act 1979*. As each impact is considered minimal when the mitigation measures are applied overall it is considered the cumulative impact of the development will in turn be minimal and acceptable.

Section 79C (1) (c) the suitability of the site for development

Richmond Valley Council has, for a number of years, identified the need for aged care services in the form of a retirement village / nursing home within the Evans Head area. With a large ageing population, Council identified multiple sites in the Evans Head area

to locate a retirement village/ nursing home. The site of this proposal was found to be large enough and least unencumbered to permit a retirement village facility.

Whilst the site is constrained by reason of its heritage listing, potential downstream existence of the threatened Pygmy Perch, bushfire threat it is considered suitable for the proposed development as the positive outcomes of the development being greater than potential negative impact.

Section 79C (1) (d) any submissions made in accordance with this act or the regulations

Council received twenty seven (27) submissions with regards to the proposed development. The issues raised in the submissions have been addressed separately and below in this report.

Section 79C (1) (e) the public interest

There is a need for a seniors living/ aged care facility within the Evans Head area and the approval of this DA would serve to meet this need. The majority of submissions received did not oppose the aged care facility but the ancillary development such as child care centre and the 24 residential lot subdivision. On consideration of the development as a whole, the development is considered to be in the public interest providing for 'ageing in place', recognition of the heritage values of the site and adjoining land, without having a detrimental impact on the Evans Head community.

The proposed development reasonably satisfies Local, State and Federal Government interests by provision of aged care services in the local area.

State Matters

- **Heritage Act 1977**

The EHMA was listed in 1992 on the State Heritage Register to recognise the historic, associative and social significance of the aerodrome. Council has received the GTA from the NSW Heritage Council for the proposed development on the site.

The GTA requires certain matters be addressed before the consent can be activated and these matters are reiterated below;

"the consent is not to operate until the applicant satisfies the consent authority as to the following:

- i) A Heritage Agreement (in accordance with the provisions of the Heritage Act) is signed between the Minister administering the Heritage Act and the owner of the site and registered on the title of the site.*
- ii) A Fly Neighbourly Agreement (FNA) that is consistent with Section 8 of the Plan of Management (POM) with supporting documentation as to how the FNA has been prepared in accordance with these principals is submitted to the satisfaction of the Heritage Council.*
- iii) An instrument under Section 88E of the Conveyancing Act 1919 between the owner/s of the site and the NSW Heritage Council which contains provisions*

- preventing complaints regarding noise of the Evans Head Aerodrome is submitted to the satisfaction of the NSW Heritage Council.*
- iv) *The final Noise Management Plan is submitted to the satisfaction of the Heritage Council.”*

- **Fisheries Management Act 1994.**

The proposed works do not trigger a requirement for permit under the *Fisheries Management Act 1994* (FM Act). The Oxleyan Pygmy Perch (*nannoperca oxleyana*) is listed as a threatened fish species under the FM Act 1994. The species has been identified in the drain along the Evans Head –Woodburn Road

Fisheries management has recommended the adoption of the water sensitive urban design measures be conditioned as part of the approval. It is considered that the mitigation measures nominated in the SEE will be sufficient to protect the Oxleyan Pygmy Perches habitat.

- **Threatened Species Conservation Act 1995.**

The fauna and flora assessment of the site concluded that it does not contain habitat for threatened species, populations or ecological communities listed in the *Threatened Species Conservation Act 1995*.

- **Native Vegetation Act 2003.**

The site does not contain any native vegetation which would otherwise trigger an approval under the *Native Vegetation Act 2003*.

Local Matters

- **Section 64 and Section 94A Contributions**

The development is subject to Section 64 Water Management Act 2000 and Section 94A Environmental Planning & Assessment Act 1979 contributions. Recommended conditions detail a total Section 64 contribution of \$10, 426, 252.20 and a total Section 94A contribution of \$859,449.80. These are able to be placed on any consent granted.

Commonwealth Matters

- **Environmental Protection and Biodiversity Conservation Act 1999(EPBC Act).**

Recent soil remediation works have seen the removal of native vegetation from the site and the potential for impact on native flora and fauna is considered minimal.

The DA SEE has considered the impacts of the proposed development on the local environment in relation to the aims and objectives of the EPBC Act and it is considered the mitigation measures identified under the SEE will be sufficient to protect the environment and the habitat of the any endangered species.

Submissions

The proposal was placed on public exhibition for 37 days commencing on 12.2.2011 to 18.3.2011. Twenty seven (27) submissions have been received opposing some part of the development. Two of these submissions were in the form of a petition opposing the child care portion of the development one petition contained 61 signatures, whilst the other petition contained 6 signatures.

A summary of the issues raised in the submission to the subject application and relevant comments are outlined below.

ISSUE RAISED	ASSESSMENT COMMENTS
Integrated Retirement Village	
-Scale / Density of the development are too high for the locality.	As stated above in the assessment of <i>Seniors SEPP</i> , the development complies with and is below the maximum permissible floor space ratio permitted by the SEPP. The development also satisfies the open space (landscaping) requirements of the SEPP. The 24 residential Torrens Title lots and subsequent houses proposed along Currajong Street will be of similar scale and density to what is currently found in the existing residential subdivision on the southern side of Currajong Street.
- Ratio of aged care building to ILU not correct and the level of care offered in development is not appropriate	The IRV has been designed to reflect the heritage values of the site and does not contain any two storey buildings. The entire site will be significantly landscaped particularly along Memorial Airport Drive to reduce the potential visual impact of the development.
	The ratio of types of housing and level of care provided including ILU's to the beds proposed in the aged care facility are not stipulated within the <i>Seniors SEPP</i> . The proponent is a well known aged care provider in Australia and it is expected the ratio of aged care to ILU is suitable for the Evans Head area. The facility will provide whole of life aged care from independent living to high care dementia care.
Access	
-Separation of the development from the community and services	As stated above in the assessment of <i>Seniors SEPP</i> , the development is more than 400m from the Evans Head retail, commercial and medical services. As such, an alternate transport system is proposed by the provision of an existing bus service (to a bus stop within 400m of the development) and a private mini bus service provided by the RSL Life Care to be utilised on an 'as needs basis' to transport occupants to the Evans Head shopping area and to other regional centres such as Ballina and Lismore. This proposal is accepted under the SEPP for Regional areas.

<p>- Shortage of public transport between Evans Head and the community</p>	<p>Evans Head is serviced by two existing bus services on week days. The local bus service stops at a current bus stop on the eastern corner of Currajong Street and Memorial Airport Drive. A bus service also runs between Ballina and Evans Head, which stops at the Evans Head CBD. In addition, the Evans Head area has an existing taxi service and the development will provide its own bus service to occupants on an as needs basis.</p>
<p>Conflicting Land Use</p>	
<p>-Potential for conflicting land use between the IRV and the EHMA.</p>	<p>The potential for conflicting land use between the EHMA and proposed development was a significant consideration in the assessment of the DA by Council and also the Heritage Council. Potential conflicts relate to off-site impacts (particularly noise) of the EHMA and the existing industrial area on the IRV and dwellings on the proposed 24 residential lots and the potential impact the IRV will have on the heritage values of the site and the usability of the EHMA as an aerodrome.</p>
<p>- Noise impact from industrial area</p>	<p>The impact of noise on the IRV from EHMA activities are addressed as the IRV is outside of the 20 ANEF contour which is the trigger for physical acoustic measures to satisfy <i>AS 2021-2000:Acoustics – Aircraft Noise Intrusion- Building Sitting and Construction</i>. The applicant has volunteered to provide additional acoustic works within all buildings within the proposed development including. 6.38mm laminated acoustic glass to Blocks A, B, C, C1, D1, O, S, V, W, X, Y & Z, acoustic wall and ceiling insulation to all buildings, air-tight door and window seals to all buildings (including the 24 residential dwellings). The acoustic works will also improve potential noise impact from other sources both within the IRV and from the industrial area.</p> <p>The Office of Environment and Heritage (Heritage Office) under POM 2009 has a responsibility to ensure the proposed development will not unduly affect aviation activities within the EHMA. The Office of Environment and Heritage has provided GTA.</p>
<p>-No buffers between IRV and EHMA</p>	<p>The need for additional buffers areas between the EHMA and IRV land is not required as the additional acoustic works proposed and any future fly neighbourly agreement (required under the POM 2009) will be sufficient to minimise land use conflict between the proposed development and aerodrome operations. As aerodrome operations potentially increase with the development of an Air Park, the fly neighbourly agreement would need to be modified accordingly.</p>

-ANEF not accurate	Council has consulted with the company (GHD Pty Ltd) that was engaged to prepare the ANEF contour map and obtain necessary approvals from Airservices Australia. Advice has been received that the current ANEF map is correct and meets relevant government requirements.
Council Issues	
-Council has a conflict of interest in the assessment of this development	Council is currently the owner of the land that will form part of the IRV and has undertaken the assessment of the IRV DA. Council is not the consent authority as the JRPP will determine the DA. Council has also engaged an independent planning consultant to review Council's assessment and processing of the DA to ensure the assessment has been undertaken in accordance with the EP&A Act 1979. The independent report has been attached to the end of this report. The independent planning consultant has not had any previous input into the EHMA or the IRV on behalf of Council. These two additional checks and balances by non Council sources are considered to provide sufficient probity to Councils assessment processes and eliminate Councils potential conflict of interest.
-Sale of land to RSL life care	The purchase details including price of sale of this land from RVC to RSL Life Care is not a matter for consideration as part of the DA.
-Contaminated soil	The remediation works approved under DA 2011.097 have been completed for the IRV site and Council is awaiting the auditors certification that the site is fit for residential use. Stockpiled soils from the site currently located upon vacant industrial land that is not part of the IRV site are still being remediated.
-Impacts on sewer and stormwater and roads	The existing sewer and water infrastructure to be provided to the development is adequate to accommodate the future demands generated by the development. Council has been aware a retirement village would be constructed at some stage in the future and has accounted for this in planning the future capacity of its reticulated sewer and water infrastructure for the IRV and Evans Head. Council Works Section has assessed the potential for adverse impacts on the local road network and is satisfied that the traffic generated by the development can be accommodated within the existing road network.
-Inappropriate rezoning	The rezoning of the IRV land from 1(b1) rural to 2(v) village zone was gazetted on the 25 th September 2009.
No community	The Evans Head community has been aware of Councils desire

consultation	and the need to provide an aged care facility within the Evans Head area. Council over the years has canvassed various sites within the village zone of Evans Head and for one reason or another has discounted these sites. This DA has been made on behalf of the future owner of the land not RVC and as such it was the applicant's decision to determine the level of community input into the development application.
-Ardill Payne & Partners have a conflict of interest	Ardill Payne & Partners are the planning consultant for the Applicant and Proponents of the DA and have in the past provided review of town planning assessment undertaken by Council for an entirely separated DA. It is not considered that Ardill Payne & Partners acting on behalf of RSL Life Care have a potential conflict on interest.
SEPP compliance	
Site compatibility certificate	A site compatibility certificate is not required or this development as the land is zoned 2(v) Village under RRLEP 1992.
-Acoustic assessment inadequate	The acoustic assessment submitted with the SEE has been prepared by qualified and experienced acoustic consultants. Though it is a preliminary assessment it indicates that the development will be able to satisfy current noise control requirements and will not be unreasonably impacted on by the use of the EHMA.
Impact on services	
-Impact on Evans Head medical services	<p>A SIA has been provided to Council. The SIA reviewed the existing medical services within the local area and concluded that the Evans Head community is relatively well resourced in terms of General Practitioners and Community Health services, but relatively poorly serviced in terms of aged care services.</p> <p>The SIA notes that nursing services provided within the aged care facility will be available to residents within the ILU, which will minimise impact on existing local health services.</p> <p>The community building proposed within the IRV is designed to accommodate temporary medical services if the need arises. This will enable residents of the IRV to receive services on site thus reducing the impact on existing medical and community health services.</p>
-Ambulance service	Council referred the DA to the Regional Office of NSW Ambulance Service and received no comment.
-No consultation with MRNC and the impact on their services	The Applicant is not required to consult with the Mid Richmond Neighbourhood Centre prior to lodgement. It is anticipated that RSL Life Care Ltd will consult with the MRNC as a future provider of aged care services in the village.

Child Care	
-Child care facility not needed	The SIA reviewed existing child care facilities within the Evans Head area and found there is a justified need for additional child care facilities particularly for under 2 year olds and occasional child care service for short periods of time. The SIA notes that the child care facility will be demand driven, which may see the proposed centre in competition with existing child care services in the village. Under the <i>Seniors SEPP</i> a child care facility is able to be approved as ancillary development to the IRV. A child care facility has been previously approved for a similar development in Narrabeen (Sydney) which is also owned and operated by RSL Life Care. The precedent set by this approval and the objectives of the draft Competition SEPP mean the child care centre is an acceptable landuse for this location.
-Impact on existing child care centres increase in fees	The provision of a competitor to the existing child care services may result in a reduction in placement fees for existing child care services, as a competitive market generally will result in reduce costs for the consumer.
-Impact on child entering nursing home form potential abuse and infectious diseases	The proposed child care centre is a separate detached building and will be accredited and properly managed, as will the IRV. The SEE states there would be interaction between the children in the child care and residents of the aged care facility. It is considered appropriate safe guards can be implemented to protect the children's welfare during these interactions.
Locations of Child Care facility to surrounding conflicting land uses (industrial land and Aerodrome)	The proposed child care centre is located opposite the entrance to the existing industrial estate. The potential for land use conflict is remote given the nature and types of uses in the industrial estate (i.e. a bus depot, NRMA mechanical repairs workshop and small scale kitchen manufacture). The aerodrome operations are currently considered low frequency / use nature with minimal potential for noise impact. As the centre is outside the 20 ANEF the potential future use of the EHMA as a residential airpark is unlikely to impact on the child care centre. It is expected the child care centre would receive the same additional acoustic treatments as the remainder of the IRV.
Heritage	
-Previous Heritage Council resolutions not complied with.	The Heritage Council Approvals Committee has considered the impacts on the heritage of the EHMA and it has provided its GTA, in principle, for the development. All submissions in regard the development were provided the Office of Environment and Heritage (Heritage Council) for their consideration.
-No written agreement for negative covenant	The GTA from the Heritage Council addresses the negative covenant restrictions.

<p>-Development does not adequately maintain open space and runways and will excise a portion of the runway</p> <p>-Conservation management plan should be produced</p>	<p>The development is considered to meet the requirements of the EHMA POM 2009 which has been created to maintain the heritage significance of the site. The portion of runway which is located on the IRV site is disused and not suitable for use as a runway.</p> <p>The Plan of Management 2009 is the guiding document for managing the heritage significance of the EHMA land.</p>
Competition to existing businesses	
<p>-The ancillary uses and services within the IRV will create competition for cafes, the existing aquatic centre and the existing Men's shed.</p>	<p>The developments potential to compete with existing businesses/ land uses within the local area is not a reason for refusal or modification of the development application. This has been given weight by the release of the Draft Competition SEPP which gives State Government guidance to Local Councils in regards to consideration of competition. Market forces will dictate the success of any business. The proposed community building and swimming pool in the IRV are ancillary to it and primarily for the use of the occupants of it.</p>
EHMA & Air park	
<p>-No economic impact on aerodrome undertaken</p> <p>-Safety issues with aeroplanes impacting the IRV</p> <p>-No consultation with department of defence</p> <p>-Lack of integrated planning with airpark</p>	<p>The heritage agreement and EHMA POM 2009 requires that the aerodrome must be maintained primarily for aviation. The proposed development is on only a small part of the land formerly used as a wartime training facility. The Heritage Council has considered this and sought to ensure the future aviation use of the EHMA by the imposition of conditions (GTA) of consent.</p> <p>The potential for physical impact by an aeroplane crashing or running off the runway on the IRV is considered extremely low given technological advances in both air control and in aeroplanes and the strict operating requirements pilots must satisfy as imposed by CASA and as the retirement village is approximately 90 metres from the open runway.</p> <p>The Department of Defence was provided the opportunity in the advertising period to make comment on the development. No submission was made to this development. RVC as the land owner has previously advised the Department of Defence of its intention to seek interested parties to redevelop this land as a retirement village and the Department co-joined Council in the costs associated with remediating the site under DA 2011.097.</p> <p>The DA SEE documents that the Applicant consulted with Evans Head Airpark Pty Ltd to ensure any future potential development</p>

-Cut off significant portion of airpark	of EHMA does not conflict with the IRV. The development of the IRV will not effect the potential future development of the EHMA as an airpark and sufficient land is available on the remaining 184.9ha site for it to be developed.
Other issues	
-Driveways fronting Currajong street	The existing subdivision to the south of the 24 residential Torrens Title lots has a restriction on vehicular access to Currajong Street from individual lots. This was an attempt maintain Currajong Street as a by-pass road for vehicles accessing the industrial estate. Review of the level of traffic accessing the industrial estate and potential vehicles entering and leaving the retirement village found the restriction of access from individual lots on the northern side of Currajong Street is not necessary and the development as submitted is supported.
-Rates burden on existing ratepayers	The development will be rated in accordance with the <i>Local Government Act 1993</i> .
-Why has nursing home taken so long	The lodgement of this DA with Council has taken time in its planning due to the many issues associated with the site.
-Occupants won't spend money in town	It is considered the IRV will provide a boost to the local economy during construction and during operation with the increased population. Whilst senior citizens spending habits are different to young families, the benefit of the facility out weighs the potential negatives.
-Skew ratio of young to old in Evans Head	It would be expected the development will mainly cater to existing Evan Head residents who are currently living in their own homes. The vacancy of this housing will provide opportunity for others including young families to move into the area. It is also submitted that the median age of Evans Head resident is increasing, identifying the need for aged care facilities in the local area.

Conclusion

Council as the assessing body has considered the documentation within the SEE and Government Agencies requirements / conditions and is confident the development application can be conditionally approved.

Council's Development Assessment Panel endorsed the proposed conditions at its meeting of 23rd February 2012. The GTA issued by the Heritage Council and NSW RFS have been incorporated into proposed conditions of consent. Appropriate conditions have been imposed on any consent granted to ensure requirements of planning instruments are met and to ensure that any potential adverse environmental impacts are

minimised and appropriately mitigated, particularly in relation to concerns raised in the submissions received by Council.

Attachments

- Independent Planning Consultants review
- Correspondence activating DA2011.125 (subdivision of 9ha lot from remainder of EHMA)
- Heritage Council Approvals Committee Report 07.12.2011
- Council response to Heritage Council correspondence (dated 19.12.2011) to JRPP.

RECOMMENDATION

Recommended that Deferred Development Application No. 2011.223 be approved subject to the following conditions.

DEFERRED COMMENCEMENT CONDITION(S) PURSUANT TO SECTION 80(3):

- A. "the consent is not to operate until the applicant satisfies the consent authority as to the following:
- i) A Heritage Agreement (in accordance with the provisions of the Heritage Act) is signed between the Minister administering the Heritage Act and the owner of the site and registered on the title of the site.
 - ii) A Fly Neighbourly Agreement (FNA) that is consistent with Section 8 of the Plan of Management (PoM) with supporting documentation as to how the FNA has been prepared in accordance with these principals is submitted to the satisfaction of the Heritage Council.
 - iii) An instrument under Section 88E of the Conveyancing Act 1919 between the owner/s of the site and the NSW Heritage Council which contains provisions preventing complaints regarding noise of the Evans Head Aerodrome is submitted to the satisfaction of the NSW Heritage Council.
 - (iv) The final Noise Management Plan is submitted to the satisfaction of the Heritage Council."
- B. This consent does not become operative until the Deferred Commencement conditions(s) have been fully completed to Council's satisfaction.

In accordance with the provisions of Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, the Council sets the period of time in which the applicant must satisfy Deferred Commencement Conditions as 12 months effective from the determination date endorsed on this consent.

OPERATIVE CONDITIONS

1. In granting this development consent, Council requires:
 - the development,

- all roads/civil works,
- lot boundaries, and
- areas subject to any amendment or modification called for in the following 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

be substantially in accordance with the stamped approved plans, Statement of Environmental Effects and supporting documents submitted with the application and listed in the schedule below. A copy of the approved plan is attached to this consent.

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

ARCHITECTURAL DRAWINGS

REFERENCE	NUMBER	REV	TITLE
2009.70	DA0	A	Development Data & Notes
	DA1	B	Master Plan
	DA2	A	Master Plan – Staging
	DA3	A	Master Plan – Site Analysis
	DA4	A	Master Plan Site Areas – SEPP 2004
	DA5	A	Fire Truck Clearance Plan
	DA6	B	Site Plan Sheet 1 of 12
	DA7	B	Site Plan Sheet 2 of 12
	DA8	B	Site Plan Sheet 3 of 12
	DA9	A	Site Plan Sheet 4 of 12
	DA10	A	Site Plan Sheet 5 of 12
	DA11	A	Site Plan Sheet 6 of 12
	DA12	A	Site Plan Sheet 7 of 12
	DA13	B	Site Plan Sheet 8 of 12
	DA14	A	Site Plan Sheet 9 of 12
	DA15	A	Site Plan Sheet 10 of 12
	DA16	A	Site Plan Sheet 11 of 12
	DA17	A	Site Plan Sheet 12 of 12
	DA18	B	RACF – Floor Plan
	DA19	A	RACF – Roof Plan
	DA20	A	RACF – Elevations & Sections
	DA21	A	Services Apartments – Floor Plan
	DA22	A	Serviced Apartments – Roof Plan
	DA23	A	Services Apartments – Elevations & Sections
	DA24	B	Typical Type A & A1 Villa
	DA25	B	Typical Type B Villa
	DA26	B	Typical Type C & C1 Villa
	DA27	B	Typical Type D Villa
	DA28	B	Typical Type E Villa
	DA29	B	Community Building – Floor & Roof Plan

	DA30	B	Community Building – Elevations & Sections
	DA31	A	Men's Shed & Maintenance Shed – Plans & Elevations
	DA32	A	Ancillary Facilities
	DA33	A	Child Centre – Plans & Elevations
	DA34	A	Residential Type A14 House
	DA35	A	Residential Type B14 House
	DA36	A	Residential Type C14 House
	DA37	A	Residential Type D14 House
	DA38	A	Residential Type E14 House
	DA39	A	Residential Type A15 House
	DA40	A	Residential Type B15 House
	DA41	A	Residential Type C15 House
	DA42	A	Residential Type D15 House
	DA43	A	Residential Type E15 House
	DA44	A	Residential Type F15 House
	DA45	A	Residential Type G15 House
	DA46	A	Residential Type H15 House
	DA47	A	RACF Entry Signage Details
	DA48	A	Resident Village & Community Complex Entry Signage Details
	DA49	A	Notice Board Signage Details
	DA50	A	Swimming Pool Detail
	DA51	A	Typical Building F & H Rainwater Tank Locations
	FP1	A	Fence Plan
	FP2	A	Fence Detail

LANDSCAPE DRAWINGS

REFERENCE	NUMBER	REV	TITLE
11-001S	LA01	A	Site Plan & Drawing List
	LA02-A	A	Planting Palette
	LA02-B	A	Planting Palette
	LA02-C	A	Planting Palette
	LA03	A	Detailed Landscape Plan
	LA04	A	Detailed Landscape Plan
	LA05	A	Detailed Landscape Plan
	LA06	A	Detailed Landscape Plan
	LA07	A	Detailed Landscape Plan
	LA08	A	Detailed Landscape Plan
	LA09	A	Detailed Landscape Plan
	LA010	A	Detailed Landscape Plan
	LA011	A	Detailed Landscape Plan
	LA012	A	Detailed Landscape Plan
	LA013	A	Detailed Landscape Plan
	LA014	A	Detailed Landscape Plan
	LA015	A	Landscape Details
	LA016	A	Landscape Details

ABSA & BASIX CERTIFICATION

REFERENCE	NUMBER	DATE	TITLE
ABSA	63277397	28.01.11	Assessor Certificate
BASIX	357496M	28.01.11	Basix Certificate

PLANNING

2. **Prior to issue of any construction certificate** the subdivision of proposed Lot 1 approved under DA 2011.125 must be registered with the Land & Property Management Authority.

Reason: *To comply with environmental planning instrument. (EPA Act Sec 79C(a))*

3. The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in **Council's Revenue Policy**.

Reason: *To comply with environmental planning instrument. (EPA Act Sec 79C(a))*

4. The Integrated Retirement Village must only be occupied for residential accommodation by the following persons;
- Seniors or people with a disability,
 - People who live within the same household with seniors or people who have a disability,
 - Staff employed to assist in the administration of and provision of services to housing provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Reason: *To comply with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

5. An instrument under Section 88E of the Conveyancing Act 1919 between the owner/s (and their successors) of the site and Richmond Valley Council which restricts the occupants of any residential accommodation to the following;
- Seniors or people with a disability,
 - People who live within the same household with seniors or people who have a disability,
 - Staff employed to assist in the administration of and provision of services to housing provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Prior to occupation of the Integrated Retirement Village evidence of registration must be provided to the Principal Certifying Authority (PCA) and Richmond Valley Council.

Reason: *To comply with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

6. The Independent Living Units – Villas and Serviced Apartments must be constructed in accordance with Schedule 3 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. Details of compliance with schedule 3 of the SEPP must be detailed in **Construction Certificate Plans with the relevant Construction Certificate application.**

Reason: *To comply with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

7. **Prior to occupation of any residential accommodation** within the Integrated Retirement Village, a 22 seat mini bus (and driver) must be provided at the site for use by residents on an as needs basis. Additional vehicles must be provided as occupants demand for transport increases.

Reason: *To comply with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

8. The number of child care placements, within the Child Care facility that are available for relatives/ relations of staff or occupants of the Integrated Retirement Village, shall be a minimum of 55% of the total child care places approved under this development consent. Evidence of compliance with this condition must be provided to Richmond Valley Council upon requests.

Reason: *To ensure the Child Care Facility is ancillary and incidental to the Integrated Retirement Village.*

9. The hours of operation of the Community Building and its associated facilities (excluding Child Care Facility) shall be limited to the following;

- 6am to 10pm – seven(7) days per week.

Reason: *To limit the hours of operation and protect the amenity of the neighbourhood.*

10. Works within the Men's Shed must not unreasonably interfere with the amenity of the neighbourhood. In particular noise, when audible on adjoining residential premises, can only occur:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday – 8.00 am to 1.00 pm.
- c) No work which will adversely impact on the amenity of the area is to take place outside the above hours, including Public Holidays.

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

11. The use of the consulting rooms within the Community Building shall be for occasional use only by any one practitioner or service provider and is not to be use as the permanent place of business.

Reason: *To advise the limits of the use of the consulting rooms.*

12. The development must have the following acoustics measures installed:

- 6.38mm laminated acoustic glass to Blocks A, B, C, C1, D1, O, S, V, W, X, Y & Z.
- Acoustic wall and ceiling insulation to all buildings (including the 24 residential dwellings).
- Air-tight door and window seals to all buildings (including the 24 residential dwellings).

Measures shall be certified as being provided **prior to issue of the relevant Occupation Certificate**. In addition a Noise Disclosure Statement (including details of ANEF) and a Noise Management Plan must form part of any agreement between RSL Life Care and its lessees.

Reason: *To improve the amenity of the residents and advise of potential noise arising from aerodrome operations.*

13. The twenty four (24) residential dwellings proposed along Currajong Street must be constructed as per the thirteen (13) house designs and colour schemes detailed in architectural plans DA34(A) to DA46(A) prepared by Humel Architects and Statement of Environmental Effects for the identified lots the house designs relate to. Any variation to the approved house designs will require a separate development consent.

Reason: *To maintain the heritage objectives of the development.*

14. If during ground disturbance any item, object or place of potential aboriginal significance is located, all work within the vicinity must cease immediately and the Richmond Valley Council and Office of Environment & Heritage shall be contacted immediately.

Works in the vicinity of the find must not recommence until clearance has been received from Richmond Valley Council and the Office of Environment & Heritage

Reason: *To protect items of aboriginal heritage and to comply with the requirements of the National Parks & Wildlife Act 1974. (EPA Act Sec 79C)*

15. All measures identified within the Stormwater Management Plan prepared by Ardill Payne and Partners dated January 2011 must be implemented **prior to issue of relevant occupation certificate**.

Reason: *To reduce impacts on downstream aquatic habitats.*

PUBLIC UTILITIES

16. **Prior to release of a Subdivision Certificate**, the proponent shall ensure the provision of electricity and telephone services are available to all proposed Lots.

Reason: *To ensure adequate provision of utility services. (EPA Act Sec 79C(b))*

17. Underground power shall be installed along all street frontages that service the proposed development.

Reason: *To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*

LANDSCAPING

18. A detailed landscaping plan (in duplicate) shall be submitted to Richmond Valley Council and approved **prior to release of relevant Construction Certificate**. Landscaping plans shall be in accordance with *Council's Landscape Guideline* and Landscape Plans prepared by Taylor Brammer Landscape Architects. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer/infrastructure/easements
- 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 garden beds.
- The use of the *Chinese Tallow Tree* and any other species identified on the noxious weed list for the North Coast of NSW is not permitted

Street landscaping shall be suitable for growth adjacent to concrete paths, driveways, roads, electricity supply (overhead and underground), water mains, sewer mains and the like. Long term maintenance of the landscaping shall be considered in selection of species to minimise impacts on the use of such facilities (such as wide bushes planted immediately adjacent to paths will restrict use, jacarandas proposed to be planted adjacent to concrete paths and under power lines).

Approved landscaping shall be completed prior to the release of the **relevant Occupation Certificate** and maintained at all times to the satisfaction of Richmond Valley Council.

The landscaping to be located within Councils road easement along Currajong Street and Memorial Airport Drive must be located and installed in consultation with Richmond Valley Councils Parks and Reserves Section. Watering and Maintenance of these trees will be the responsibility of Integrated Retirement Village operator for a period of three (3) years from date of planting. Notification in writing must be provided to council upon installation.

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

19. **Prior to a final Occupation Certificate** being issued for the developments final construction phase a security bond to the value of \$10 000.00 is to be lodged with Council to ensure that all landscaping is maintained to Richmond Valley Councils standards. The bond is to be fully refundable after a period of three (3) years or as by negotiation with Richmond Valley Council subject to the plantings being established and maintained to the satisfaction of Council.

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

CARPARKING

20. Provision shall be made for 242 (6 being for disabled persons) carparking spaces 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). Documentary evidence to be submitted to the Principal Certifying Authority **prior to the release of relevant Occupation Certificate**. Design plans to be submitted to and approved by the Principal Certifying Authority **prior to the release of relevant 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))*

21. A sign shall be erected to clearly indicate off-street parking is available.

Reason: *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*

22. All vehicles connected with the premises shall be parked or garaged within the property **at all times**.

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))*

23. The development shall provide on site vehicle parking for all tradesmen, plant and equipment and the storage of materials. No street parking of construction vehicles or storage of materials or barricading of footpaths shall occur without the written consent of Council.

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

24. Any outdoor display lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic.

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

25. All signs shall be located wholly within the subject property.

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

WORKS GENERAL

26. Where any work or access is required on land not owned by the developer, written permission shall be obtained from the owner of the land as no such permission is implied in this development consent. Such approval shall be obtained from the land owner prior to any such use, with conditions and any restoration to the adjoining land owner's approval.

Reason: To ensure that access or use of adjoining properties is approved by the adjacent property owner.

27. All civil works that will become 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, Roads and Maritime Services, Austroads, and the like, standards/policies as appropriate.

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

28. Application (under Section 138 of the Roads Act) for approval to carry out any work within the road reserve shall be made to Council by any contractor proposing to carry out works in the road reserve **prior to any such works commencing**. This includes driveway crossings and aprons, water, sewerage, stormwater, road works, kerb and gutter, footpaths, landscaping, etc.

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.

29. Works within any part of the road reserve that will impact on pedestrians and/or traffic flow (including temporary site fencing or construction vehicles that restrict pedestrian access, temporary disruption to traffic, etc) requires the preparation of a **Traffic Control Plan**. The Plan 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 TCP designer's certification number is to appear on the Traffic

Control Plans. (TCPs are a standard requirement for obtaining a Roads Act Section 138 approval for any works within the road reserve.)

The Plan(s) shall be submitted to and verified by Richmond Valley Council **prior to the commencement of any works in the road reserve**. A number of individual Traffic Control Plans (TCPs) may be required to adequately implement an overall Traffic Management Plan.

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. 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 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.*

30. Any damage caused to public infrastructure (roads, footpaths, kerb and gutter, stormwater, water mains and services, sewer mains, grassed areas, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Works. The repairs shall be carried out **prior to the issue of the Occupation Certificate for the relevant stage, or release of the Subdivision Certificate for the 24 Torrens Title residential lots**.

Council shall be notified in writing, **prior to commencement of works**, of any existing damage to any existing infrastructure.

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

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

WORKS FEES AND CONTRIBUTIONS

31. A defects liability bond (in cash or Bank Guarantee) shall be lodged with Council for all works that become Council infrastructure. 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 Council's assets (Council's adopted Revenue Policy (Fees and Charges)), and will be held by 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 Council **prior to the issue of the Occupation Certificate for the relevant stage, or release of the Subdivision Certificate for the 24 Torrens Title residential lots**.

The bond shall only be released by advice from Richmond Valley Council that both the defects liability period has been completed, and that the works have been completed and are satisfactory at the end of the defects liability period.

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

32. A Civil Engineering assessment fee is to be paid to Council **prior to the issue of any relevant Construction Certificate that involves construction of or connection to Council infrastructure** for the assessment of plans, 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 detailing such civil works.

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

33. Payment of contributions levied under Section 64 of the Local Government Act, Richmond Valley Council's Revenue Policy and Development Servicing Plans, and Rous Water's Development Servicing Plan are required generally in accordance with the attached current schedule, and **shall be payable at the rates applicable at the date of payment.** (*Payments may be made to Richmond Valley Council as an agent for Rous Water.)

A table of proposed works with ET rates for each component of each particular stage shall be submitted to and approved by Richmond Valley Council **prior to payment of any Section 64 contribution for the relevant stage.** ET rates shall be in accordance with the NSW Water Directorate Guidelines.

Contributions for each stage shall be paid **prior to the issue of the Occupation Certificate for the relevant stage, or release of the Subdivision Certificate for the 24 Torrens Title residential lots.**

Reason: *To provide funds for the provision of services and facilities identified in Richmond Valley Council's Water and Sewer Development Servicing Plans, and Rous Water's Development Servicing Plan.*

Section 64 Local Govt Act & Water Management Act 2000 Levy Area – Evans Head, Woodburn and Broadwater	Job No/ Receipt Code	Total Estimated No. of ET's	Cost per ET (\$)	Amount Payable (\$)
Richmond Valley Council Water Headworks (1/7/2011 to 30/6/2012)	408/PLD 85	288.6	\$ 1,750.00	\$ 505,050.00
Richmond Valley Council Sewerage Headworks (1/7/2011 to 30/6/2012)	233/PLD 75	288.6	\$ 26,000.00	\$ 7,503,600.00

Rous Water # Water Headworks (1/7/2011 to 30/6/2012)	410/PLD 76	288.6	\$ 8,377.00	\$ 2,417,602.20
Total Section 64 contributions (based on 288.6 ET for period 1/7/2011 to 30/6/2012)				\$10,426,252.20

34. 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 to be paid to Richmond Valley Council **prior to the issue of the Construction Certificate for the relevant stage, or release of the Subdivision Certificate for the 24 Torrens Title residential lots.**

The contribution rate, as per Richmond Valley Council's adopted Section 94A Development Contributions Plan is 1.0% of total cost of development (for developments > \$200,000.00). For the proposed development cost of \$78,131,800.00 excl GST at the date of the application as per Appendix 15 SJA Quantity Surveying Master Plan Estimate. All costs shall include GST as per Environmental Planning and Assessment Regulation 25J (3) (i)). Thus the total cost of the development including GST is \$85,944,980.00.

The total Section 94A contribution will be **\$859,449.80** (based on the total proposed development cost as at the date of application as per Appendix 15 SJA Quantity Surveying Master Plan Estimate).

Contributions will be payable **prior to the issue of the relevant stage Construction Certificate** and 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 i.e. by CPI from the date of consent. Appendix 15 SJA Quantity Surveying Master Plan Estimate shall be used for the base costing of the stages.

Reason: *To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94A Development Contributions Plan (EP&A Act 1979 Sec 94A, and EP&A Regulations 2000).*

WORKS SUBDIVISION

35. The creation of easements for services, rights of carriageway and restrictions as to user may be applicable under Section 88B of the Conveyancing Act. Easements will be required for sewer, water supply, stormwater drainage, inter-allotment drainage, electricity, etc. and shall be shown on the submitted linen plan of the subdivision for the Integrated Retirement Village and the 24 Torrens Title subdivision lots.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain Council's standard conditions for the infrastructure enclosed by the easement as well as provisions enabling such restrictions, easement or rights of way to be revoked, varied or modified only with the consent of Council.

The subdivision plan and section 88B Instrument shall be approved by Richmond Valley Council **prior to the release of the Subdivision Certificate for the Integrated Retirement Village lot and the 24 Torrens Title subdivision lots.**

Reason: *To provide adequate access and protection for services.*

36. Corner lots are to have a truncation of 4.0m measured along the streets such as the intersection of Currajong Street and Memorial Airport Drive.

Reason: *To maintain footpath widths and sight distances at intersections.*

WORKS DESIGN

37. Plans showing all civil engineering works that will become Council's assets, such as roads, kerb and gutter, stormwater drainage, water, sewer, foot/mobility scooter paths and the like, shall be submitted to Richmond Valley Council. Council approval of the plans is required **prior to the issue of the Construction Certificate for the relevant stage.**

All works shall be designed and documented in accordance with Council's Northern Rivers Development and Design Manual, the Northern Rivers Local Government Construction Manual, and other Council, Roads and Maritime Services, Austroads, and the like, standards/policies as appropriate.

Note: The sewer design and stormwater designs shall be undertaken as complete designs to ensure that all sections are compatible. The sewer design shall include a check of existing downstream infrastructure to check capacities (or determine alternative requirements).

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

38. Existing services/infrastructure that requires reconstruction or adjusting or augmenting to suit or provide adequate capacity for the development (water supply, sewerage, stormwater, road works, footpath, kerb and gutter, footpaths, etc.) shall be carried out at the developer's expense unless agreed to by the affected asset owner. Construction is to be in accordance with Council's standards, or the affected asset owner's standards, and shall be completed **prior to the issue of the Occupation Certificate for the relevant stage, or prior to the Subdivision Certificate for the 24 Torrens Title residential lots.**

Reason: *To protect existing services.*

ROADS

39. The developer shall provide the following road related 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 and other Council, Roads and Maritime Services, Austroads, and the like, standards/policies as appropriate. The developer shall be responsible for costs, including maintenance/repairs, for a period of twelve months from the date of Practical Completion for the works that will become Council's infrastructure.

Required road related works shall include:

- Gutter crossings, entrances and driveways within the road reserve.
- Kerb and gutter and roadworks to the full Currajong Street and Memorial Airport Drive frontages of the development.
- A street frontage bus stop to cater for public transport – the location and layout are to be approved by Richmond Valley Council.
- Pathways suitable for shared use and mobility scooters (typically 2.5m wide):
 1. Currajong Street – Woodburn Street to Beech St as part of Stage 1 including cross street crossings at the eastern end to link to the existing Beech Street pathway, and a crossing of the western end with a crossing/refuge and link to the existing pathway in Woodburn Street
 2. Memorial Airport Drive – Currajong Street to the heritage interpretation area at the Evans Head Memorial Airport as part of the Child Care stage (in accordance with the GeoLINK Interpretation Master Plan)
 3. Booyong Street from Yarran Street to Park Street (on the Stan Payne Oval side of Booyong Street in accordance with Richmond Valley Council's overall design plans)

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

ACCESS, APRONS AND DRIVEWAYS

40. The construction of vehicular accessways (gutter crossings and/or driveway aprons) is to be carried out in accordance with Council's Vehicular Accessway Specification. **Prior to the construction of any crossing/apron** in the road reserve, application is to be made to Council, together with the payment of the bond as per Council's Fees and Charges.

Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

Inspections by Richmond Valley Council shall be carried out at pre pour, and final.

Under Section 142 of the Roads Act 1993, the property owner is responsible for all future maintenance.

Reason: *All works within the road reserve require the consent of the Road Authority (Section 138 of the Roads Act 1993).*

41. Disused crossings and the like within the existing kerb and gutter must be removed and full restoration of the kerb and gutter profile must be carried out at the developers cost. All works within the road reserve require the approval of Council.

Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required. Traffic Control Plans will also be required where pedestrian or vehicular traffic is affected.

Reason: *To restore the continuity of the existing services.*

WATER SUPPLY

42. The developer shall provide water works to service the entire development. The water supply shall be sized in accordance with Australian Standard 3500.1 to service the entire development.

The works shall include a water supply connection from Council's reticulation services to cater for commercial, domestic and fire fighting requirements as applicable. Details of the required size of water supply connection to accommodate commercial, domestic and fire requirements is to be submitted to Council for the determination of a current estimated cost (actual cost must be charged). The water supply connection, up to and including the master water meter and backflow prevention, will be constructed by Richmond Valley Council at the developer's cost.

Installation of the water supply connection by Richmond Valley Council will be a private works order and actual cost must be charged in accordance with Council's private works policy. The developer is required to obtain an estimate of cost from Council's Operations Engineer for the purpose of initial prepayment. Payment to Richmond Valley Council is required **prior to the issue of the relevant Construction Certificate**.

Construction and acceptance by Richmond Valley Council of the water supply connection infrastructure is to be completed **prior to the issue of the relevant Occupation Certificate**.

***Reason:** To Provide adequate services for the development.*

43. The development of the 24 Torrens Title residential lots will require individual water services (32 mm service lines under any road) terminated with a 20 mm dual check valve and meter to be installed for each of the subdivision lots. The water services, dual check valves and meters will be installed by Council, upon application by the developer. Installation of the water services, dual check valves and meters will be a private works order and actual cost must be charged in accordance with Council's private works policy. The developer is required to obtain an estimate of cost from Council's Operation Engineer (Water and Sewerage Services) for the purpose of initial prepayment after this period. Payment to Richmond Valley Council is required **prior to the issue of the relevant Construction Certificate**.

Construction and acceptance by Richmond Valley Council of the water supply infrastructure that will become Council's assets for the subdivision lots is to be completed **prior to the release of the Subdivision Certificate for the 24 Torrens Title residential lots**.

***Reason:** To provide adequate water supply to the development.*

SEWERAGE

44. The developer shall provide sewerage infrastructure to service the development. Sewerage works that will become Council's assets shall be designed and constructed in accordance with Council's standard. Any costs shall be the responsibility of the developer. The developer shall be responsible for the full cost

of any associated sewerage maintenance considered necessary by Council's Water and Sewerage Section for a period of twelve months from the date of practical completion. Works shall include a sewer junction to each allotment at a location and depth to enable connection of all future dwellings. All mains and junctions are to be a minimum of 150 mm diameter.

Construction and acceptance by Richmond Valley Council of the sewerage infrastructure that will become Council's assets is to be completed **prior to the issue of the relevant Occupation Certificate or release of the Subdivision Certificate for the 24 Torrens Title residential lots.**

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

45. Full design plans of the proposed engineering works to satisfy sewerage conditions shall be submitted to Richmond Valley Council. Such plans shall be approved by the Council's Water and Sewerage Section **prior to the issue of the relevant Construction Certificate.**

The sewer design shall be undertaken as a complete design to ensure that all sections are compatible. The sewer design shall include a check of existing downstream infrastructure to check capacities (or determine alternative requirements).

Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

Construction and acceptance by Richmond Valley Council of the sewerage infrastructure that will become Council's assets is to be completed **prior to the issue of the relevant Occupation Certificate or release of the Subdivision Certificate for the 24 Torrens Title residential lots.**

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

46. Council will undertake all works involved in the final connection to the existing sewerage system. This work will be carried out after inspection and testing of the developer constructed works, and will be at the developer's cost. A minimum of 7 days notice is required. Where Richmond Valley Council is required to supply materials for the work, longer notice to Council is essential.

Reason: *Council carries out work on existing operational infrastructure.*

47. The existing motor home / caravan sewage dump point (currently located on Memorial Airport Drive) shall be relocated to a suitable location away from the development at the developer's cost **prior to completion of sewerage infrastructure works.** The new location, design, and access point shall be approved by Richmond Valley Council prior to the construction of the new dump point. The new dump point shall be operational prior to the decommissioning of the existing dump point.

Reason: *To remove a potential conflict from the development area and continue to provide an ongoing service to the motor home / caravan community.*

STORMWATER

48. All stormwater is to be directed to Council's existing stormwater drainage system and/or a natural watercourse. Detailed stormwater design plans generally in accordance with the submitted Stormwater Management Plan and concept layout (including pipe sizes, pit surface and invert levels, driveway and parking area levels and directions of flow, treatment details, etc) are to be prepared in accordance with relevant standards for urban and rural stormwater drainage and shall be submitted to Richmond Valley Council. Such plans shall be approved by Richmond Valley Council **prior to the issue of the relevant Construction Certificate.**

All designs shall have provision to ensure that all gross pollutants remain above ground and cannot enter Council's stormwater system. Council will not support the use of 'wet sump systems' for the treatment of stormwater quality, plans showing such devices will not be approved for construction.

Roads Act Section 138 approval and Public Liability Cover to a minimum value of \$10,000,000.00 are required for contractors working in the road reserve. A certificate of currency is required.

Construction and acceptance by Richmond Valley Council of the relevant stormwater infrastructure that will become Council's asset is to be completed **prior to the issue of the relevant Occupation Certificate or release of the Subdivision Certificate for the 24 Torrens Title residential lots.**

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

49. Inter-allotment drainage shall be provided for all lots where roof runoff/tank overflow/paved area water does not drain directly to a public road or defined drainage area. This includes surrounding properties that flow onto the development, or receive flow from the development.

Full design plans of the proposed engineering works for the construction of the inter allotment drainage line shall be submitted to and approved by Richmond Valley Council's Works Section **prior to the issue of the relevant Construction Certificate.**

Construction and acceptance by Richmond Valley Council of the inter allotment drainage line infrastructure is to be completed **prior to the release of the Subdivision Certificate for the 24 Torrens Title residential lots.** Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

Such drainage shall be contained within easements to be created upon registration of the plan of subdivision. Details with respect of such drainage easements shall be submitted **prior to the release of the Subdivision Certificate for the 24 Torrens Title residential lots**. The easement shall benefit and burden affected lots.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from or onto any paved areas and buildings that may be constructed on the land.*

FLOODING

50. All habitable floor levels shall be greater than or equal to the local 100 year flood level plus 0.5 m freeboard. The 100 year flood level is to be based on local runoff inundation on the site, not flooding from the Evans River. Overland flow paths shall be incorporated into the stormwater design/management plans.

Reason: *To comply with the requirements of the NSW Floodplain Development Manual.*

WORK AS EXECUTED

51. Upon completion of works to be vested in Council, **Work as Executed** drawings and plans in digital format shall be submitted to and approved by Richmond Valley Council **prior to the issue of the relevant Occupation Certificate or release of the Subdivision Certificate for the 24 Torrens Title residential lots** (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 developer shall be deemed to have indemnified all persons using such drawings against any claim or action with respect to breach of copyright.
- Sewer plans are to include full junction details – distance from downstream manhole, project off the sewer main, and depth to the point of connection.

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

WORKS INSPECTION/TESTING

52. Inspection and Testing Plans covering all the necessary inspections and testing of the civil engineering works that will become Council's assets (e.g. roads, kerb and gutter, stormwater drainage, water, sewer, footpaths, etc, or works that will impact on other infrastructure owners or adjoining properties e.g. inter allotment drainage lines and pits) 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 relevant 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.*

BUILDING

53. The development upon completion must satisfy the Building Code of Australia.

Reason: *To satisfy the Clause 98 Of the Environmental Planning and Assessment Regulation 2000.*

54. A Construction Certificate must be obtained from Council or an accredited certifier at least two (2) days prior to any building or ancillary work commencing. Where the Construction Certificate is obtained from an accredited certifier the determination and all appropriate documents must be notified to Council within seven (7) days of the date of determination.

Reason: *Required by Section 81A of the Environmental Planning and Assessment Act, 1979 and Part 8, Division 2 of the Environmental Planning and Assessment Regulation, 2000.*

55. Notice of Commencement of work at least two (2) days prior to any building or ancillary work being carried out must be submitted to Council on the relevant form.

Reason: *Required by Section 81A(2) of the Environmental Planning and Assessment Act, 1979 and Clause 136 of the Environmental Planning and Assessment Regulation, 2000.*

56. Notification of appointment of the Principal Certifying Authority must be submitted to the Council two (2) days prior to the commencement of work.

Reason: *Required by Section 81A(2) of the Environmental Planning and Assessment Act, 1979 and Clause 135 of the Environmental Planning and Assessment Regulation, 2000.*

57. An Owner/Builder permit or the Home Owner's Warranty Insurance, if required under the Home Building Act 1989, must be submitted to Council **prior to release of relevant Construction Certificate.**

Reason: *To satisfy the requirements of the Home Building Act 1989.*

58. **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.*

59. A fence must be erected between the work site and a public place.

Reason: *To protect the health and safety of the public.*

60. Plant equipment or materials of any kind shall not be placed or stored upon the public footpath or roadway, which is open for use by pedestrians.

Reason: *So as not to cause a public hindrance or nuisance.*

61. Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur:
- Monday to Friday - 7.00 am to 6.00 pm.
 - Saturday – 8.00 am to 1.00 pm.
 - No construction work which will adversely impact on the amenity of the area is to take place outside the above hours, including Public Holidays.

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

62. The location of the buildings on the site must be established by a suitably qualified Surveyor and must comply with this approval. A final survey of the structures set back from the boundary must be provided to Richmond Valley Council **prior to issue of relevant Occupation Certificate.**

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

63. Details of the source and quality of all proposed fill material to be submitted and approved **prior to issue of any Construction Certificate.**

Reason: *To ensure the proposed fill is acceptable*

64. The **dwelling**s must comply and be constructed in accordance with the BASIX Certificates (as amended) for the subject development and all commitments contained therein.

NOTE: Certification/verification must be provided to Council on completion for:

- Thermal properties
- Glazing requirements
- Lighting fixtures
- Plumbing requirements

Reason: *To comply with statutory requirements*

65. The buildings must be clad in low-reflective material.

Reason: *To minimise the reflectivity of the building.*

66. Approved baby change facilities must be provided within the Community Buildings disabled toilet facilities and the facility must be provided with appropriate signage.

Reason: *To provide for the installation of baby change facilities.*

67. The swimming pool must be surrounded at all times by a child resistant barrier in accordance with the requirements of the Swimming Pools Act, 1992.

Reason: *Required by Section 7 of the Swimming Pools Act, 1992.*

68. A temporary child resistant barrier a minimum of 1.2 metres high must be erected during the construction of the pool if it requires water being added during construction.

Reason: *Required by Section 7 of the Swimming Pools Act, 1992.*

69. A resuscitation poster meeting the requirements of the Swimming Pools Act 1992, must at all times be maintained in a prominent position in the immediate vicinity of the swimming pool.

Reason: *Required by Section 17 of the Swimming Pools Act, 1992.*

70. Pool water disposal and backwash is to be directed to the sewer and be in accordance with AS/NZS 3500.2.2, Section 10.9 & Figure 10.2.

Reason: *To ensure that the proper disposal of backwash waters and protection of the environment.*

71. Skimmer boxes and suction points shall be designed in accordance with AS1926.3 - 2010 Water recirculation and Filtration Systems.

Reason: *To minimize the risk of entrapment or injury.*

72. All excavations associated with construction of a pool must ensure stability of all adjoining buildings and be properly guarded and protected to prevent any danger to life or property.

Reason: *To ensure structural stability and safety of the pool.*

73. All **gates** providing access to the swimming pool are to be kept securely closed at all times when they are not in actual use.

Reason: *Required by Section 16 of the Swimming Pools Act, 1992.*

74. The occupation or use of the buildings/ development must not commence until an Occupation Certificate has been issued by the Principal Certifying Authority. Where 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.*

75. If Council is to be engaged as the Principal Certifying Authority the following progress and mandatory critical stage inspections will be required with 48 hours notice;

- a) at the commencement of the building work, erosion control, safety signs and site toilet facilities to be erected.
- b) after excavation for, and prior to the placement of, any footings.

- c) prior to pouring any in-situ reinforced concrete building element.
- d) prior to covering of the framework for any floor, wall, roof or other building element.
- e) prior to covering waterproofing in any wet areas. (Class 2, 3 & 4 only 10% of rooms)
- f) Any fire rated systems / walls to be installed.
- g) prior to covering any stormwater drainage connections.
- h) the external 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.
- i) prior to any swimming pool being filled with water (to ensure a safety fence is erected).
- j) the swimming pool excavation and reinforcement prior to concrete being placed.
- k) after the building work has been completed and prior to any occupation certificate being issued in relation to the building. Prior to final inspection being requested, all certificates required by this consent are to be submitted to Council.

NOTE: Inspections are not available in Coraki and the lower river area on Fridays.

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

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

- a) 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.
Inspection fees in accordance with Councils current Revenue Policy must be paid prior to inspection or as negotiated with Richmond Valley Council.

NOTE: Inspections are not available in Coraki and the lower river area on Fridays.

Reason: *To ensure compliance with Local Government Act 1993.*

77. At completion/occupation, the following certification must be submitted to Council, if Council is to be engaged as 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) A licensed electrician's certification that a smoke detection system has been installed in accordance with AS 3786.
- c) Window manufacturer's certification that glazing components comply with the relevant Australian Standards.
- d) Truss manufacturer's design criteria for timber trusses.

- e) Licensed pest controller's certification of method of termite protection complies with AS 3600.1
- f) A suitably qualified person's certification that the fire separation has been carried out in accordance with Part C.2.7 of the Building Code of Australia.
- g) A suitably qualified person's certification that the waterproofing of the wet areas is in accordance with Part 1.7 of the Building Code of Australia.
- h) That the swimming pool has been provided with signs and fencing in accordance with the requirements of the Swimming Pools Act 1992 prior to use of the pool.
- i) That bushfire mitigation measures have been implemented.
- j) A practising structural engineer certification that the Integrated Retirement Village is in accordance with the relevant Australian Standards.
- k) Fire wall and sound transmission have been provided, including fire rated ceilings;
- l) Installation certificates in relation to essential fire safety measures.
- m) The development has been completed in accordance with the development consent and construction certificate.
- n) Installation of all stormwater and/or water sensitive urban design features from the installing Licensed plumber.
- o) Documentary evidence from all relevant trades/suppliers that the "BASIX" commitments and requirements have been satisfied.

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

78. At completion/occupation, the following certification must be submitted to 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.
- c) Installation of all stormwater and/or water sensitive urban design features from the installing Licensed plumber.
- d) Documentary evidence from all relevant trades/suppliers that the "BASIX" commitments and requirements have been satisfied.
- e) Fire wall and sound transmission have been provided, including fire rated ceilings;
- f) Installation certificates in relation to essential fire safety measures.

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

ENVIRONMENTAL HEALTH

NOISE

79 The proposed land-use shall not result in the emission of offensive noise.

Offensive noise means: noise that by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstance, is likely to:

- a) be harmful to
- b) be offensive to
- c) interfere unreasonably with the comfort or repose of,

a person who is:

- (i) if the offensive noise is made in premises that are not a public place – outside those premises, or
- (ii) if the offensive noise is made in premises that are a public place – within or outside those premises.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b)).*

80. The use of amplification equipment located external to the Community Building must be limited to 8am to 8pm seven (7) days per week.

Reason: *To limit the hours of operation and protect the amenity of the neighbourhood.*

81. All mechanical services and the operation of the Integrated Retirement Village and Community Complex including but not limited to the child care centre, any refrigeration systems, swimming pool pumps, air-conditioning systems and exhaust systems for kitchens must not create offensive noise as defined within the Protection of the Environment Operations Act (1997). In this respect acoustic treatment of the abovementioned systems must be carried out as necessary to ensure noise levels comply.

Detailed design drawings and specifications of all acoustic treatments proposed to be provided to the mechanical service systems and noise generating activities including detailed calculations of predicted noise levels to be achieved at the boundary of the closest affected sensitive receiver must be prepared by a suitably qualified acoustic engineer and submitted to Richmond Valley Council and approved **prior to issue of relevant Construction Certificate.**

Reason: *To protect the amenity of the area*

82. A compliance survey of all noise generating mechanical services must be carried out after installation of the systems and prior to operation of works approved under this consent, in order to ensure compliance with the requirements of the Department of Environment and Climate Change (Environment Protection Authorities) Industrial Noise Policy. The report is to be carried out by a suitably qualified acoustic engineer and submitted to Richmond valley Council and approved **prior to issue of the relevant Occupation Certificate.**

Reason: *To protect the amenity of the area*

83. Heat pumps for hot water systems and pumps attached to rainwater tanks must not cause offensive noise. The pumps must be housed in enclosures suitably

designed and installed to prevent the emission of offensive noise as defined in the Protection of the Environment Operations Act.

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

FOOD

84. All work associated with the internal fit out of all food preparation, handling and storage areas of the Integrated Retirement Village and Community Complex must comply with the requirements of Australian Standard 4674-2004 and the Food Standards Code. Detailed plans and specifications of the fit out of these areas including the central kitchen, any servery kitchens, café, childcare kitchen and any associated coolrooms / freezers and storage areas must be submitted to Council and approved **prior to issue of relevant Construction Certificate**.

Reason: *To ensure compliance with the Australian Standards and to ensure legislative requirements are met with respect to food hygiene and safety standards.*

TRADE WASTE

85. An application to discharge liquid trade waste, including plans and specifications of any pre-treatment devices and proposed trade waste installations shall be submitted to Council and approved **prior to issue of relevant Construction Certificate**. The application must be in accordance with Council's Liquid Trade Waste Policy and must address discharges from all liquid trade waste sources including garbage store/bin wash areas or rooms, kitchens and food preparation areas, swimming pool, maintenance shed, hairdressing facilities, and laundries.

Reason: *To ensure adequate protection of utility services and to ensure compliance with Council's Liquid Trade Waste Policy.*

Advising

For liquid trade waste purposes it is recommended that separate water meters be installed to each liquid trade waste discharger. ie. Hairdresser, childcare centre, kitchen, laundry etc.

MECHANICAL VENTILATION

86. The commercial kitchens of the Integrated Retirement Village and Community Complex must be suitably ventilated in accordance with Australian Standard 1668.2. Detailed plans and specifications of any mechanical exhaust ventilation systems for kitchen areas detailing compliance with A.S 1668 must be submitted and approved by Richmond Valley Council **prior to issue of relevant Construction Certificate**.

Reason: *To provide suitable indoor air quality and secure compliance with applicable standards.*

RAINWATER TANKS

87. Rainwater tanks must be installed and maintained to comply with the following standards;
- Tanks are to be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank.

- Tanks must have a sign affixed to them stating the water in it is rainwater.
- Tanks must be constructed or installed to prevent mosquitoes breeding in it.
- Tanks must have their overflow connected to a stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners.
- Tanks must not be interconnected with any system supplying drinking water to the lot.

Reason: *To protect the amenity of the area and to protect public health.*

SWIMMING POOL

88. The Integrated Retirement Village and Community Complex swimming pool must comply with current NSW Health Guidelines for the operation of Public Swimming Pools and Spas.

Reason: *To protect public health*

MICROBIAL (LEIGIONELLA) CONTROL

89. Water cooling and/or warm water systems installed at the Integrated Retirement Village and Community Complex including the Child Care facility are to be notified to Council upon the commissioning of the system in accordance with the Public Health Act 1991 and the Public Health (Microbial Control) Regulation 2000. The notification is to be by way of completing an application form available from Council.

Reason: *To protect public health and to comply with the Public Health Act and Regulation*

LIGHTING

90. Integrated Retirement Village and Community Complex plus the Child Care facility outdoor lighting or security lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distract traffic as specified in Australian Standard 4282 – *The Obtrusive Effects of Outdoor Lighting*.

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

GENERAL AMENITY

91. The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b)).*

STORMWATER

92. Only clean and unpolluted water is permitted to discharge to Councils stormwater system. Suitable provisions must be put in place to prevent any contaminants entering stormwater system around the site in particular any stormwater runoff from areas such as the bowling green, mini golf course and croquet course where applications such as pesticides, soil conditioners and fertilizers may be in use.

Details demonstrating how contaminants from these areas will not discharge to the stormwater must be submitted to and approved by Richmond Valley Council **prior to issue of any Construction Certificate**.

Reason: *To protect the environment*

WASTE MANAGEMENT

93. Provide a Waste Minimisation and Management Plan for both during construction and operation of the development detailing all solid waste streams, recycling programs and waste collection including proposed collection hours. The Waste Minimisation and Management Plan must be submitted to Richmond Valley Council for approval **prior to issue of relevant Construction Certificate**.

Reason: *to ensure the development has adequate waste and recycling services*

94. All Integrated Retirement Village and Community Complex and Child Care facility garbage storage areas are to be adequately screened from public areas. The storage areas are to have a hard stand base, impermeable bunds and roof and be designed not to cause pollution. Full details must be submitted as part of the waste management plan to be submitted to Council **prior to issue of any Construction Certificate**.

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

95. Waste water from any bin washing at the Integrated Retirement Village and Community Complex shall be dealt with as trade waste, will be subject to trade waste approval and discharged to sewer via an approved pre-treatment device.

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

Storage of Liquid Wastes

96. All hazardous/toxic/corrosive chemicals 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)).*

NSW POLICE FORCE CONDITIONS

97. **Prior to issue of the relevant occupation certificate**, the development shall have measures installed as detailed in the Crime Prevention Through Environmental Design assessment as prepared by Ardill Payne and Partners dated August 2011. Measures shall include but not be limited to maintenance of vegetative landscaping to promote casual surveillance and appropriately located lighting to assist safety and security of occupants.

Reason: To comply with CPTED principals and Council Policy No. 2.1.17 Crime Prevention Through Environmental Design.

98. **Prior to issue of the relevant occupation certificate**, dwelling identification numbering must be provided throughout the development.

Reason: To comply with CPTED principals and Council Policy No. 2.1.17 Crime Prevention Through Environmental Design

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL
General terms of approval for Heritage Council
under Section 63 of the Heritage Act 1977

1. This consent is not to operate until the applicant satisfies the consent authority as to the following;
 - a. A Heritage Agreement (in accordance with the provisions of the Heritage Act) is signed between the Minister administering the Heritage Act and the owner of the site and registered on the title of the site;
 - b. A Fly Neighbourly Agreement (FNA) that is consistent with Section 8 of the Plan of Management (PoM) with supporting documentation as to how the FNA has been prepared in accordance with these principles is submitted to the satisfaction of the Heritage Council;
 - c. An Instrument under section 88E of the Conveyancing Act 1919 between the owner/s of the site and the NSW Heritage Council which contains provisions preventing complaints regarding noise of the Evans Head Aerodrome is submitted to the satisfaction of the NSW Heritage Council;
 - d. The final Noise Management Plan is submitted to the satisfaction of the Heritage Council.
2. This is a staged commencement consent. Stage 1 shall consist of the subdivision of the subject land into 25 new lots.
3. Stage 2 shall consist of actual works including, but not limited to, site preparation, installation of services and construction.
4. In lodging a plan of subdivision for registration, the applicant must at the same time lodge the above mentioned Section 88E instrument for registration on the title of the new lots, consistent with that provided to the Heritage Council in accordance with Condition 1c.
5. Stage 2 will commence upon the NSW Heritage Council being satisfied that the section 88E instrument has been registered on the title of the new lots.
6. All work shall be carried out in accordance with the following documentation:
 - a. Drawings DA0-DA21, DA23, DA24, DA26-DA32, DA34-DA49 Revision A dated 4th February 2011; DA22 and DA33 Revision A dated 29th January 2011; DA28 Revision A dated 2nd April 2011; prepared by Humel Architects;
 - b. Drawing LA01, LA02-C, LA03-LA05, LA07, LA13, LA15, LA16 Issue A dated 3rd February 2011; LA02-A, LA02-B, LA06, LA14 Issue A dated 3 January 2011; prepared by Taylor Brammer;

- c. Statement of Environmental Effects prepared by Ardill Payne and Partners, dated January 2011;
- d. Statement of Heritage Impact prepared by Ainsworth Heritage, dated February 2011;
- e. Engineering Infrastructure and Servicing Report prepared by Ardill Payne and Partners, dated January 2011;
- f. Stormwater Management Plan prepared by Ardill Payne and Partners, dated January 2011;
- g. Traffic and Parking Assessment prepared by Ardill Payne and Partners, dated January 2011;
- h. Acoustic Review of Masterplan prepared by The Acoustic Group, dated 27th January 2011;
- i. Bushfire Threat Assessment Report prepared by BCA Check, dated 31st January 2011;
- j. Flora and Fauna Report prepared by Peter Parker Environmental Consultants, dated January 2011;
- k. Geotechnical Investigations prepared by Shaw:Urquhart, dated 28th January 2011; and
- l. Acid Soil Sulphate Review prepared by Ardill Payne and Partners, dated January 2011.

EXCEPT AS AMENDED by the conditions of this consent.

- 7. The following information is required to be submitted with the S60 application:
 - a. An interpretation plan for the site;

Nominated Heritage Consultant:

- 8. All heritage work shall be supervised by a qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised and all work has been carried out in accordance with the approved documentation and the conditions of this consent.

Site Protection & Works:

- 9. Significant elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- 10. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- 11. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Environment Protection and Regulation Group of the Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Aboriginal 'objects' must be managed in accordance with an approved Aboriginal heritage impact permit under Section 90 of the National Parks and wildlife Act, 1974.

Archival Recording:

12. An archival photographic recording of the site is to be undertaken prior to the commencement of works, in accordance with Heritage Council document, *Photographic Recording of Heritage Items using Film or Digital Capture*. The original copy of the archival record shall be deposited with the Heritage Branch, an additional copy shall be provided to the Richmond Valley Council.

Compliance:

13. Following the determination of the development application by Richmond Valley Council, an application under Section 60 of the NSW Heritage Act 1977 must be submitted to and approved by the NSW Heritage Council prior to a subdivision certificate being issued or any works commencing.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL
General terms of approval for NSW Rural Fire Service
under Section 100B of the Rural Fires Act 1997

1. For all special fire protection purpose developments on the site, arrangements for emergency and evacuation are required that comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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

Asset Protection Zones

2. At the issue of subdivision certificate and in perpetuity the entire site shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire 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

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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

Access

4. All provisions for internal roads, other than where modified by in Section 7.2 of the Bushfire Threat Assessment Report prepared by Bushfire & Building Consultants, Ref 11015 dated 31 January 2011, shall comply with section 4.2.7 and Table 4.1 of 'Planning for Bush Fire Protection 2006'.

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

Design and Construction

5. Construction of Building 'V' shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

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

6. Construction on the north western, south eastern and south western elevations of the dwelling in Lot 1 shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

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

7. Construction on the north eastern elevation of the dwelling in Lot 1 shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

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

8. A minimum 1.8 metres high radiant heat shield made of non-combustible materials shall be constructed along the south western boundary of Lot 1. All posts and rails shall be non combustible. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

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

9. Construction of dwellings in Lots 2, 3, 4 & 5 shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

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

10. All other buildings not mentioned above and part of this application are required to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

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