

MINUTES OF THE NORTHERN JOINT REGIONAL PLANNING PANEL MEETING HELD AT RICHMOND VALLEY COUNCIL (EVANS HEAD) ON THURSDAY, 15 MARCH 2012 AT 10.30AM

PRESENT:

Garry West	Chair
Pamela Westing	Panel Member
John Griffin	Panel Member
John Hession	Panel Member

IN ATTENDANCE

Stephen McCarthy	Senior Planning and Development Officer, Richmond Valley Council
Angela Jones	Manager Development Assessment, Richmond Valley Council
Peter Cotterill	Manager Environmental Health and Regulatory Control (Acting Director of Environmental Development Services), Richmond Valley Council
Brian Eggins	Senior Administration Engineer, Richmond Valley Council
Carla Dzendolet	Environmental Health Officer, Richmond Valley Council
Gary Murphy	Director Works, Richmond Valley Council
Cherie Smith	Development Assessment Planner, Richmond Valley Council

APOLOGY: NIL

1. The meeting commenced at 10.53am.

2. Declarations of Interest

Prior to the meeting, Cr Donella Kinnish (Panel Member) declared an interest in the development and therefore did not sit on the Panel.

John Griffin (Panel Member) declared he is the Secretary of an RSL sub branch in Queensland, but has had no involvement with RSL Life Care or the matter for determination. The Chair, Garry West, stated this did not preclude John Griffin from sitting on the Panel.

3. Additional Written Submissions

The Chair, Garry West, acknowledged that two written submissions (from Dr John Davies and Mr Halden Boyd) had been submitted directly to the Panel in the period after completion of Council's assessment report. The Chair advised that these have been circulated to the Panel and Council.

4. Business Items

ITEM 1 - 2011NTH005 - Richmond Valley Council - DA2011.223 - Integrated Retirement Village and Community Complex, 24-lot subdivision, construction of dwellings and associated works, Lot 141 DP 1067639, Memorial Airport Drive, Evans Head

5. Public Submissions

Ron Fisher	Addressed the panel against the item
Marie Humphrey on behalf of Evans Head Living Museum	Addressed the panel against the item
Andrew Andersen on behalf of Aircraft Owners and Pilots Association of Australia	Addressed the panel against the item
Stephen Tizzard on behalf of Recreational Aviation Australia Inc	Addressed the panel against the item
Kim Rolph-Smith on behalf of Australian Warbirds Association Ltd	Addressed the panel against the item
Dr Richard Gates on behalf of Evans Head Memorial Aerodrome Committee	Addressed the panel against the item
Dr Richard Gates	Addressed the panel against the item
Jennifer Morrin on behalf of Sandcastle Early Education Centre	Addressed the panel against the item
Carol Holmes on behalf of Mid-Richmond Neighbourhood Centre	Addressed the panel against the item
Alison Cuskelly on behalf of Evans Head Pre-School	Addressed the panel against the item
Mavis Mohammed on behalf of Richmond Valley Ratepayers Residence Association	Addressed the panel against the item
Margaret Howes	Addressed the panel against the item
Kevin Saville on behalf of the RSL sub-branch	Addressed the panel for the item

Following the public submissions, the Panel asked Council to respond to a number of issues that were raised during the meeting and required clarification. This included clarification from Council that the ANEF referred to as "Draft 2025 ANEF" forms part of the adopted Plan of Management which was prepared in 2005 and adopted in 2009, and is the current legal ANEF.

6. Business Item Recommendations

ITEM 1 - 2011NTH005 - Richmond Valley Council - DA2011.223 - Integrated Retirement Village and Community Complex, 24-lot subdivision, construction of dwellings and associated works, Lot 141 DP 1067639, Memorial Airport Drive, Evans Head

Motion:

That, as per the recommendation in Council's assessment report, DA2011.223 for an Integrated Retirement Village and Community Complex, 24-lot subdivision, construction of dwellings and associated works at Lot 141 DP 1067639, Memorial Airport Drive, Evans Head be approved, subject to the following modifications to the conditions of consent:

- Deferred Commencement Condition A. iii. to be deleted (requiring an instrument under Section 88E of the Conveyancing Act 1919 with provisions preventing complaints regarding noise of the Evans Head Aerodrome).
- New condition 12(a) to be added requiring an instrument under Section 88E of the Conveyancing Act 1919 to be registered on all property titles to require the implementation of the acoustic measures listed in condition 12.
- New deferred commencement condition to require that the fit for residential purpose certification is provided prior to the consent becoming operative.

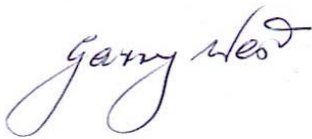
Moved Pamela Westing **Seconded** John Griffin

MOTION CARRIED UNANIMOUSLY

(Modified conditions of consent are attached as Appendix 1 to this document)

7. The meeting concluded at 1.14pm.

Endorsed by

A handwritten signature in blue ink, appearing to read 'Garry West', with a stylized flourish at the end.

Garry West
Chair, Northern
Joint Regional Planning Panel
20 March 2012

APPENDIX 1

MODIFIED CONDITIONS OF CONSENT

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) The final Noise Management Plan is submitted to the satisfaction of the Heritage Council."
- B. Prior to activation of this consent the site must be remediated in accordance with the requirements of Development Application No. 2011/097. In this respect a "site audit statement" prepared by an Office of Environment & Heritage (EPA) site auditor accredited under the Contaminated Land Management Act, 1997 must be submitted to Richmond Valley Council identifying that the land is suitable for residential use.
- C. 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	Mater 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	Settlement 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.*

- 12a. 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 requires the following acoustic measures be provided to the following buildings;

- Acoustic wall and ceiling insulation to all 24 residential buildings.
- Air-tight door and window seals to all 24 residential buildings.

Prior to issue of any Construction Certificate for construction works that are not related to subdivision works, evidence of registration on title must be provided to the Principal Certifying Authority (PCA) and Richmond Valley Council.

Reason: *To advise future landowners of acoustic construction requirements to minimise possible amenity issues.*

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 Council's road easement along Currajong Street and Memorial Airport Drive must be located and installed in consultation with Richmond Valley Council's 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 Council's 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	\$ 26,0 00.0 0	\$ 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:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday – 8.00 am to 1.00 pm.
- c) 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 **dwellings** 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.*