

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Maclean Council Chambers on Friday 24 July 2015 at 10:00 am

Panel Members: Garry West (chair), Pamela Westing, John Griffin, Richie Williamson and Andrew Baker

Apologies: None - Declarations of Interest: Councillors Williamson and Baker made non pecuniary declarations advising that they left Council's meeting of 21 July 2015 when the Assessment Report for 2014NTH019 – 161 Lot Subdivision was report to Council however participated later in that meeting in the adoption of the DCP for the West Yamba Urban Residential Area.

Determination and Statement of Reasons

2014NTH019 Clarence Valley SUB2014/0016 [at 22 Carrs Drive Yamba] as described in Schedule 1.

Date of determination: 24 July 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The development does not conflict with the requirements of the following SEPP's – 55 & 62.

The panel adopted the assessment of those matters in the Council Assessment Report.

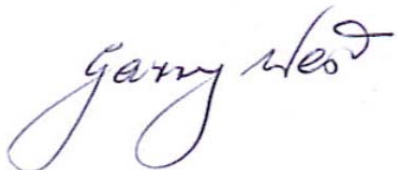




The principal reason for the panel decision was that the proposed development will have a positive outcome for the area through increased employment opportunities during construction works and once the subdivision is completed, positive economic benefits will arise from the construction of individual dwellings.

Other reasons for the panel decision were:

- 1) The clearing of EEC's will be offset through compensatory plantings together with the combining of all the E3 Environmental Management and E2 Environmental Conservation zones into one allotment with no dwelling entitlement and protected in perpetuity;
- 2) Detailed flood modelling has been undertaken demonstrating that the proposed development provides flood and drainage systems for the WYURA and the development, mitigating the impact on surrounding property and infrastructure;
- 3) The developer be liable to pay the full cost of construction of a rising main to the sewerage treatment plant unless other parties in the development of West Yamba can negotiate cost sharing arrangements; and
- 4) Upgrade works/contributions to the Yamba road network as a result of the increase in traffic have been appropriately conditioned.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended by Council's Memorandum of 17 July and as further amended at the meeting. Approved conditions are in Schedule B

Panel members:

 Garry West (chair)	 Pamela Westing	 John Griffin
 Richie Williamson	 Andrew Baker	

NORTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014NTH019 Clarence Valley SUB2014/0016
2	Proposed development: 161 lot subdivision
3	Street address: 22 Carrs Drive Yamba
4	Applicant: Outline Planning Consultants Pty Ltd Owner: Yamba Residential Subdivision Pty Ltd
5	Type of Regional development: Clause 9 Coastal Subdivision
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy No. 14 – Coastal Wetlands • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 62 – Sustainable Aquaculture • State Environmental Planning Policy No. 71 Coast Protection • Clarence Valley Local Environmental Plan 2011 • Development Control Plan for Development in Residential Zones • Development Control Plan for Development in Environmental Protection, Recreation and Special Use Zones • Clarence Estuary Management Plan • NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 9 July 2015 Council Memorandum dated 17 July 2015 Council Meeting Minutes of 21 July 2015 Written submissions during public exhibition: 51 (28 objecting and 23 supporting) Verbal submissions at the panel meeting: Council Staff: - Carmen Landers, Development Planner; Cheryl Sisson, Development Services Coordinator; Ian Dodd, Development Engineer; Renan Soltan, Development Engineer; Des Schroder, Director, Planning & Environment. Support- Nil; Against- Norman Johnston, on behalf of West Yamba Consortia ; On behalf of the applicant- Gary Peacock, outline Planning Consultants
8	Meetings and site inspections by the panel: Site Visit on 24 July 2015
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report as amended by Council's Memorandum of 17 July 2015 and further amended at the meeting.

NORTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 2

Draft Advices and Conditions of Consent for SUB2014/0016

Advices

1. A private certifier accredited for Civil Construction may be engaged for all or part of the civil engineering works other than water supply and sewer works. Accreditation of private certifiers for sewer and water supply works is not available under the Building Professionals Act 2005.

A private certifier who issues a Construction Certificate must forward a copy of the Certificate along with a copy of the plans to which the Certificate relates, to Council at least two days before work commences on the development.

2. A Civil Construction Certificate approval is required for this development. Payment to Council of fees for design assessment and construction inspections is required in accordance with the current adopted fees and charges at the time of application. The application form may be downloaded in PDF format from Council's website.
3. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a Civil Construction Certificate for civil works has been approved.
4. To obtain a Certificate of Compliance for water and or sewer works, Council will require payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The current contributions are:

Water Headworks \$5,207.40 x 160 additional lots = \$833,184.00

Sewer Headworks \$10,414.80 x 160 additional lots = \$1,666,368.00

The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be adjusted in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

NORTHERN JOINT REGIONAL PLANNING PANEL

The contributions are payable to Council prior to the release of the Certificate of Compliance for sewer and water, and are to be based on the number of additional lots created in the relevant stage.

Where any works are required on Councils water or sewer infrastructure, as a condition of this consent, they must be completed in accordance with the conditions of consent prior to the release of the certificate of compliance.

5. The name of the person/s responsible for the civil work design is to be submitted to Council for approval prior to the submission of the Civil Construction Certificate Plans. Details of qualifications, accreditations and insurances must also be submitted. Certification of the Civil Construction Certificate design is required to be in accordance with NRDC.

Approval of the Civil Construction Certificate Plans will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with standards current at that date unless the work has been substantially commenced. One (1) copy of the engineering plans for the Civil Construction Certificate are required in hardcopy and one electronic copy in PDF format (saved at the original drawing size).

The Civil Construction Certificate must include consideration of any proposed staging of the development and any 'temporary' or 'transitional' works due to that staging. Additional design, construction and documentation due to staging requirements must be at the applicants cost.

6. The developer is responsible for ensuring that all inspections are undertaken, documented and certified in accordance with NRDC. Copies of all documentation and certification must be provided to Council and/or accredited private certifier prior to issue of the Subdivision Certificate for the relevant stage. An Inspection and Testing Plan in accordance with NRDC is required.
7. WSUD systems provided in accordance with NRDC may be used to mitigate volumetric flow-rates and manage water quality subject to Council approval. Design details of the systems and points of discharge must be submitted with the Stormwater Management Plan.
8. It is the developer's responsibility to make satisfactory arrangements with other property owners affected by the development, and to meet all costs associated with the development.
9. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued.

NORTHERN JOINT REGIONAL PLANNING PANEL

The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Civil Construction Certificate Application form.

10. The Earthworks Management Plan for each and every stage must include an initial site inspection report. This report should include;
 - a Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.
 - b Certification that the land created by the development will be suitable for its intended purpose (e.g. residential, commercial or industrial buildings) including any parts of the land that will be left in its natural state or modified by the development.
 - c Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.

Where relevant to the project, the following will also be required

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled. Details of alternative fill sources (such as dredging) must be considered as part of the plan.
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.
- d The acid sulfate status of the development land. Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements

The following information will be required for earth works undertaken:

NORTHERN JOINT REGIONAL PLANNING PANEL

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification of the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) that the work is suitable for the intended use.
- d Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal where relevant.

The Earthworks Management Plan must:

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.

- b Provide a concept plan for the full site as a minimum with details of the earthworks for each stage lodged with the Civil Construction Certificate application for that stage.

Be compatible with the Civil Construction Certificate plans and Stormwater Management Plan.

c

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

11. Prior to issue of the Subdivision Certificate for each and every stage, a bond for the installation of the pressure sewer 'on-property' works will be payable to Council in accordance with Council's fees and charges and is to be based on the number of lots released within the relevant stage. The amount is currently \$12,853.00 per additional lot and this fee is reviewed annually. This bond may be released after the property has been connected to the pressure sewer network; either by a private certified contractor, or by arrangement for Council to undertake the work. Requirements for pressure

NORTHERN JOINT REGIONAL PLANNING PANEL

sewerage system installation and operation are outlined in Clarence Valley Council's Pressure Sewer Policy.

12. If a bond is required, payment of the bond is the responsibility of the person acting on the consent at any time. Council will only release a bond when a replacement bond to the satisfaction of Council has been submitted, where works or conditions of consent (requiring the bond) are still outstanding.

Bonds will only be accepted on works that have been assessed by Council or accredited private certifier as being a minimum of 50% completed. Bonded amounts must be for a minimum of 130% of the contract cost, supported by an engineer's schedule of rates cost estimate and subject to a signed 'Deed of Agreement'.

There is a bond application fee applicable for the lodging of bonds as set out in Council's fees and charges.

13. Council requires a servicing strategy for the whole of the West Yamba Urban Release Area (WYURA) to ensure there is orderly and logical servicing of development in the West Yamba area. When a strategy is adopted, developer contributions from the developer preparing the strategy will be reduced on a pro-rata basis to cover the cost of the strategy. However, if Council adopts a strategy prepared by another developer in the meantime, then no reduction will be given and the developer will be required to follow the adopted strategy. Council has encouraged developers to work together to develop the strategy to ensure that it represents the intentions of all developers.

A servicing strategy or a Developer Servicing Plan (DSP) will be required before urban development can be connected to the upgraded Yamba Sewerage Treatment Plant.

As of April 2015 Council does not have a DSP in place incorporating the WYURA. Subject to the acceptance of a servicing strategy by Council, development of the subdivision may require construction of a rising main to the sewerage treatment plant (STP). If this is required to be constructed, the developer would be liable to pay the full cost unless initial or "early stage" West Yamba developer parties can negotiate cost sharing arrangements with each other.

A temporary connection of the first stage to existing gravity sewer reticulation may be permitted subject to the Sewerage Reticulation Management plan approved by Council in accordance with conditions of this approval, demonstrating that the existing reticulation has capacity to accept that stage, and that the servicing strategy outlines how that stage will ultimately be connected to the rest of the WYURA pressure sewer system. Any works required to change the temporary connection to

NORTHERN JOINT REGIONAL PLANNING PANEL

the permanent arrangements would be borne by the developer, and would be bonded as part of approving a temporary connection.

Existing water mains are unlikely to have adequate capacity for the potential number of residential lots in the WYURA. As of April 2015 Council has not undertaken detailed hydraulic modelling of the water supply system in this area. If subdivision development occurs before hydraulic modelling is completed, the intended developer will be required to investigate water supply requirements.

This advice should be read in conjunction Condition 40 Voluntary Planning Agreement Alternative.

Other infrastructure such as energy/electricity and telecommunication services/NBN will also need to be planned and provided for the developed WYURA. Satisfactory arrangements will need to be made with designated State and Local Authorities to determine availability, timing and cost arrangements, including the payment of contributions where required.

14. A Notice of Commencement form must be submitted to Council at least two (2) business days before work commences. The form may be downloaded in PDF format from Council's website.
15. A Subdivision Certificate fee is charged for the endorsement of linen plans. Fees for the 2015/16 financial year are \$73.00 per lot (minimum \$146.00).

NORTHERN JOINT REGIONAL PLANNING PANEL

Conditions

1. The development being completed in conformity with the *Environmental Planning & Assessment Act 1979*, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following:

- Plan numbered 14140.DA1.P01 dated 29 June 2015 Revision E drawn by Siteplus;
- The Statement of Environmental Effects prepared by Outline Planning Consultants Pty Ltd on behalf of Yamba Residential Subdivision Pty Ltd and Mr Rex Tory dated 15 October 2014 as modified by Outline Planning Consultants Pty Ltd advice to Council dated 19 June 2015; and
- Plans numbered 14140.DA.C01 – C29 (29 Sheets) dated 29 June 2015 Revision E drawn by Siteplus

as amended in red, or where modified by any conditions of this consent.

Section 94 Contributions

2. Payment to Council of contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Coastal \$3,413.00 x 160 = \$546,080.00

GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Maclean surrounds \$3,413.00 x 160 = \$546,080.00

GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Lot \$65.00 x 160 = \$10,400.00

GL S94CVCPoMDwell

Street Tree Planting (residential subdivisions only)

Yamba: \$92.00 x 160 lots = \$14,720.00

GL S94TreePlantYamba

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

West Yamba \$625.00 x 2.6 per lot x 160 = \$260,000.00 GL S94YBPWestYamba

N.B.

The contribution(s) as assessed will apply for 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this notice **will be adjusted** in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

The contributions are payable to Council prior to the release of the Subdivision Certificate and are to be based on the number of additional allotments created in the relevant stage.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary and if so will become the contribution payable.

All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

Working Construction Hours

3. Working hours on the construction project being limited to the following:

7.00 am to 6.00 pm Monday to Friday

7.00 am to 1.00pm Saturdays

No work permitted on Sundays and public holidays

The builder to be responsible to instruct and control sub-contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

Demolition/Removal of Existing Building

NORTHERN JOINT REGIONAL PLANNING PANEL

4. A detailed Waste Management and Minimisation Plan shall be submitted to and approved by Council prior to demolition work commencing. The plan shall include, but shall not be limited to, the identification of the materials to be re-used, the quantities of waste to be managed as part of the demolition process, and the proposed destination of materials for re-use, recycling or disposal.
5. Demolition work is to be carried out in accordance with AS 2601.
6. The existing septic tank is to be pumped clean and decommissioned with a mixture of lime mix backfill and receipts for such are to be submitted to Council upon completion of works. Council is to be notified for inspection of decommissioning.

Engineering Conditions

7. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to release of the Subdivision Certificate for each and every stage of the development. This may require payment of a fee.
8. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
9. The developer must design and construct all civil works, in accordance with NRDC and approved Civil Construction Certificate. Civil Construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to release of the Subdivision Certificate for each stage. The Council will hold each Subdivision Certificate or a bond in accordance with Council's fees and charges against the works until such time as Council is satisfied to take over the system.

Prior to commencement of works or issue of a Civil Construction Certificate, A practising qualified engineer experienced in civil design, structural design and soil mechanics is required to verify that the civil engineering works :

- a Including earthwork batters and retaining walls, have been designed to be structurally adequate
 - b Will not be affected by subsidence either above or below the works
 - c Includes adequate drainage to ensure the stability of the development
10. An Inspection and Testing Plan (ITP) must be submitted for approval with the Civil Construction

NORTHERN JOINT REGIONAL PLANNING PANEL

Certificate. The supervising engineer or registered surveyor must arrange for the hold point inspections, and accompany Council or accredited Private Certifier on the inspection unless alternative arrangements are made. Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business days' notice to permit hold point inspections of the following Hold Point Inspections during construction:

- a Roadworks & Earthworks
 - i Installation of sedimentation and erosion controls
 - ii Stripped and prepared subgrade, prior to filling
 - iii Floor of cut and associated drainage
 - iv Finished Fill surface and associated drainage
 - v Pavement sub-grade
 - vi Pavement sub-base layers (at discretion of Development Engineer)
 - vii Pavement pre-seal
- b Stormwater
 - i Prior to covering of pipeline with select fill and backfilling of trenches
 - ii In accordance with the ITP and management plan for WSUD systems
- c Sewer
 - i Prior to commencement of work
 - ii Prior to covering of pipeline with select fill and backfilling of trenches
 - iii Pressure testing
- d Water
 - i Prior to commencement of work
 - ii Pressure testing
 - iii Prior to covering of pipeline with select fill and backfilling of trenches;
- e 'On Maintenance' (Practical Completion)
- f 'Off Maintenance' (Acceptance of Public Infrastructure by Council)

Plus any other part of the works specific to the development that the Development Engineer or Water Cycle Supervisor may request. Note: Council must be the Certifying Authority for water

supply and sewer works.

11. Prior to the issue of the Subdivision Certificate telecommunications, low voltage electricity and street lighting services must be provided to the development and/or all lots within the subdivision in accordance with the requirements and specifications of the relevant service authorities, Australian Standards, the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.
 - a All new services are to be provided within the service allocations in accordance with NRDC, unless an agreement has been obtained from Council for an alternative location.
 - b Written agreement of non compliance with the service allocations will be required from the affected service authorities.
 - c Service locations are to be clearly dimensioned on the Civil Construction Certificate plans.
 - d All service locations are to be approved by Council and the relevant service authority with regard to WSUD components of the proposed stormwater drainage system.
 - e Council must be consulted, and agreement obtained, prior to any variation in location of services during construction due to field conditions.
 - f Any variation to the service location from that approved with the Civil Construction Certificate plans must be clearly documented on the work as executed plans. A registered surveyor must be engaged to locate a service prior to backfilling where it is necessary to clearly demonstrate the location of the service/s.
 - g In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the developer is required (at the developer's expense) to install a fibre ready, pit and pipe work network (including trenching, design and third party certification) to NBN Co's specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services, or other requirements as advised in writing by NBN Co.
12. Prior to the issue of the Subdivision Certificate for each and every stage of the development, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
13. A Traffic Control Plan must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the RMS to prepare Traffic Control Plans and must be approved by Council prior to the commencement of work.

NORTHERN JOINT REGIONAL PLANNING PANEL

14. Construction and Traffic Management Plans must be submitted to and approved by Council or the principal certifying authority prior to the commencement of work. The plans must document traffic management (pedestrian and vehicular) and the proposed method of work with regard to NRDC, the RMS 'Traffic Control at Worksites' manual and the 'NSW Work Health and Safety Act (2011) and the Regulations'. The approval of Council under the Roads Act 1993 is required for any construction works within and occupation of, public road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and verge.
15. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
 - a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign is to be removed when the work has been completed.

16. A servicing strategy or a Developer Servicing Plan (DSP) must be completed by the applicant before urban development can be connected to the upgraded Yamba Sewerage Treatment Plant. The DSP must consider the total contributing catchment from the West Yamba Urban Release Area and the capacity of the existing sewerage reticulation system. The DSP, the design reticulation system and proposed connection point must be approved by Council.

Water Reticulation

17. Prior to issue of the Subdivision Certificate the applicant is to provide water supply infrastructure to service all lots in the subdivision, in accordance with NRDC.
18. A detailed Water Reticulation Management Plan must be submitted for assessment and approval by Council, prior to the issue of a Civil Construction Certificate. This shall include an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including fire fighting flows. Note: Individual allotment water services, meter locations and their installation are not required for land subdivision until a building application for each individual lot is lodged with

NORTHERN JOINT REGIONAL PLANNING PANEL

Council. Water service conduit crossings are required to be installed.

Any upgrade to the existing water service to the property will be subject to the costs outlined in Council's list of fees and charges.

Sewerage Reticulation

19. A separate property sewer connection shall be provided to each lot. Prior to release of the Subdivision Certificate for each and every stage, pressure sewerage reticulation infrastructure is to be provided to service the development, in accordance with the requirements and specifications of Council including, Clarence Valley Council's Sewer & Water Connection and Pressure Sewerage Policies.
20. Prior to the issue of a Civil Construction Certificate for each and every stage a detailed Sewerage Reticulation Management plan must be submitted for assessment and approval by Council.
21. The granting of an easement for sewerage purposes of minimum 3.0m over any pressure sewer reticulation within any private property.

Intersection upgrades

22. Prior to the issue of a Civil Construction Certificate for Stage 1, the developer must provide concept engineering designs for intersection treatments at Treelands Drive - Yamba Road Intersection, Shores Drive - Yamba Road Intersection and Carrs Drive - Yamba Road Intersection. The designs must be in accordance with Council's engineering requirements and consider existing traffic volumes and growth in Yamba Road and the recommendations of the Traffic Impact Assessment prepared by BITZIOS dated 5 June 2015, Project No P2053 Version 002, pp. 1-20. Subject to Council approval, these designs will be used to determine works required, apportionment of costs to construct and a program for construction. The developer must construct the required works as per the approved program prior to the issue of a Subdivision Certificate for Stage 1, or alternatively, may seek to enter into a voluntary planning agreement with Council prior to the issue of a Civil Construction Certificate for Stage 1. Any contribution amounts that form part of a VPA are required to be paid prior to the issue of a Subdivision Certificate and are to be based on the number of allotments to be released in the relevant stage.

Roadworks

23. Road design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and NRDC. Design plans must be submitted to Council and/or accredited private certifier for a Civil Construction Certificate approval. Works on public roads and road reserves require the approval of Council.
24. Benkelman beam testing of the finished base course of all new roadwork's will be required. The testing is to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam.
25. WSUD components are to be included in a detailed Construction, Inspection, Testing, Establishment and Staging Management Plan to be submitted for assessment and approval with the Civil Construction Certificate application. Internal road reservation widths are to be in accordance with NRDC plus additional width necessary to contain proposed WSUD components as approved by Council.
26. All roads shall be constructed with an asphaltic concrete surface.

Road pavement and asphaltic concrete surface designs are to be in accordance with NRDC and must be submitted to Council and/or accredited private certifier for a Civil Construction Certificate approval for each and every stage of the development.

The minimum depth of compacted asphaltic concrete surface for internal roads must be 30mm and 40mm for Carrs Drive (collector road). All internal roads with kerb & guttering will require installation of sub-soil drainage in accordance with NRDC standard drawings.

Road and pavement designs must consider the effects of high water tables and salt content. Stabilised pavement and concrete road pavement suitable for the intended design loadings may be used subject to submission of designs for the assessment and approval of Council and/or accredited private certifier.

The Stage 1 design plans must also include design for the total length of Carrs Drive, including notation of the extent of works for each stage, prior to the issue of the Subdivision Certificate for Stage 1. Design details of the road and drainage temporary and/or transition works for the existing section of Carrs Drive, from the intersections of Harold Tory Drive and O'Gradys Lane to the proposed 2 x 3600mm x 650mm reinforced concrete box culverts.

The extent of construction in Carrs Drive shall be based on the staging of the development. The section from Harold Tory Drive up to the northern entrance, together with suitably-approved transitions to the existing road formation and drainage system shall be provided with the construction of Stage 1. The second entrance shall occur with Stage 3, with a suitable transition length south of the new intersection.

Carrs Drive (collector road) must be :

- 11m wide carriageway (kerb invert to kerb invert)
- 2m wide sealed shoulders
- 3.5m wide sealed travel lanes
- Allow for table drains, services corridor (considering maintenance access) and pedestrian / bicycle pathways

The type cross-section details for Carrs Drive must be approved by Council with a Civil Construction Certificate for Stage 1.

27. Civil Construction Certificate applications must include design calculations for and any necessary upgrade of, existing stormwater drainage, swales, channels, pipelines and affected services and/or utilities. Existing culverts will be subject to a condition assessment by a qualified engineer and may be subject to removal and replacement in accordance with Council's requirements.
28. Prior to the issue of any Civil Construction Certificate engineering calculations must be provided which clearly indicate the capacity of table/swale drains, the maximum flow velocities and their resistance to scour. Where table/swale drains are used they must be designed to minimise velocity of flow to that necessary to achieve draining of the table/swale minimising ponding and must be treated to minimise scour.

Table/Swale drains within the road reservation must be designed to protect the road pavement from infiltration of ponded water. .

Batters on table/swale drains must be suitable for mowing with a maximum grade of 1v in 4h.

NORTHERN JOINT REGIONAL PLANNING PANEL

29. Prior to release of the Subdivision Certificate, street name signs are to be provided to all intersections in accordance with Council's specifications. The name of the proposed road(s) will require written approval from Council.
30. The dedication, free of cost to Council, of any road widening required to ensure the existing or proposed road formation is located within the road reserve.
31. Prior to the issue of a Civil Construction Certificate for Stage 1 a 'Pedestrian Access and Mobility Plan and Bike Plan (PAMP)' shall be submitted to demonstrate how pedestrians and cyclists circulate through the proposed development. This includes access to Carrs Drive and Yamba Road in accordance with the requirements of Council.
32. All road Intersections must satisfy safe intersection sight distance requirements for the speed zone of the road servicing the development in accordance with NRDC.
33. Prior to approval of the Civil Construction Certificate for Stage 1, the developer must investigate and provide details of a future bus stop in Carrs Drive to service the estate. Design and construction must be in accordance with NRDC and Austroads at the developers cost. The timing of these works will be subject to staging of the development.

Comments from the bus company/s servicing the area containing the development must be sought, and any reasonable requirements of the bus company are to be considered in the design for each stage involving these facilities. A copy of the comments should be provided to Council. Council will consider these comments in assessing the Civil Construction Certificate. A concept bus route must be submitted with the first Civil Construction Certificate Application for Stage 1.

34. The haulage of fill and other construction materials must be via Yamba Road and Carrs Drive. For the duration of the construction program the developer will be responsible for the repair of any development related damage to Carrs Drive, including the existing intersections with Yamba Road, O'Gradys Lane and Harold Tory Drive.

An existing road seal and pavement condition report is to be provided for Carrs Drive. The report must be completed by a suitably qualified and independent engineer or Geotechnical Testing Authority (NATA), and is to be submitted to Council prior to the issue of the first Civil Construction Certificate. The analysis in the report is to consider the impact of heavy vehicle and construction traffic and recommend measures to be taken to maintain the existing pavement condition during the construction phase of the development.

A program of regular inspection and maintenance activity must be included in the report. Council will undertake random audits and visual inspections of the existing road network during the construction and maintenance period.

35. Payment of a bond is required to ensure maintenance of Carrs Drive, in the amount of \$50,000 prior to commencement of works. Should the pavement condition become unsatisfactory Council may provide maintenance without notice to the applicant. Note: Council will endeavour to contact the applicant whenever Council considers maintenance is required.

The bond is to be administered by a legal agreement setting out the terms of the bond, and is subject to the movement of the Consumer Price Index. The bond amount required shall be reviewed by Council for each and every stage of the development and may be increased by Council subject to the extent of works and construction and maintenance costs current at the time of the required works.

Should it become necessary for Council to call up all or any part of the bond during the construction phase of the development then the bond amount must be made up to the amount as above before any further work is undertaken on the development.

Stormwater Drainage and Flooding

36. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC. A Stormwater Management Plan (SWMP) that demonstrates NorBe must be prepared in accordance with NRDC.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details for the drainage system and point of discharge must be submitted for approval by Council and/or accredited private certifier prior to issue of the Civil Construction Certificate for each and every stage.

The SWMP must include a specific management plan for any WSUD systems. Construction and operational phases must be considered.

All inter-allotment and Council owned stormwater drainage systems on private property must be

located within drainage easements.

37. The property is flood affected. All works are to minimise the adverse effects of flooding in accordance with the relevant parts of the Council Development Control Plans and NRDC. The 'Lower Clarence Flood Model Update 2013' was adopted by Council Resolution 13.043/14 on 18 March 2014. The 1% Annual Exceedence Probability (AEP) water level in the vicinity of the site is RL 2.1 m AHD and the Extreme Flood Level is RL 3.7 m AHD. Development on the site must be undertaken in compliance with the flood plain management controls listed in the Council DCP for the relevant land use zone.
38. A drainage easement is required over the whole of Lot 8 DP1062514, burdening Lot 8 DP1062514 in favour of Clarence Valley Council. An easement is to be created to provide for conveyance of interallotment drainage through the subject land. The easements shall be provided as follows:
- a Where there is no Council infrastructure contributing to the drainage scheme the easements shall be in favour of the properties requiring the benefit and not Council.
 - b Where there is water draining off roads, Council land or Council drainage infrastructure in the upstream drainage system then the easement must benefit Council only. This easement must be an easement in gross.
 - c Where there is water draining off roads, Council land or Council drainage infrastructure in the upstream drainage system and there are properties draining directly to the drainage system then the easement must benefit Council and these properties

The right to release, vary or modify the easement to be assigned to Clarence Valley Council where Council has a benefit.

39. The developer shall construct the proposed 2 x 3600mm x 650mm reinforced concrete box culvert's for the West Yamba Urban Release Area flood and drainage system across Carrs Drive, as part of the Stage 1 works, at the developers cost. Transitional and/or temporary works may be required for the existing section of Carrs Drive. This condition should be read in conjunction with Condition 40 Voluntary Planning Agreement Alternative.

Voluntary Planning Agreement Alternative

40. In lieu of imposed conditions to construct strategic infrastructure within this consent, the applicant may enter into a voluntary planning agreement (VPA) with Council for the provision of strategic flood management, road, drainage, water and sewerage infrastructure. Funding shall be based on a

NORTHERN JOINT REGIONAL PLANNING PANEL

negotiated apportionment that must consider (but not be limited to):

- The total contributing catchment of the West Yamba Urban Release Area (WYURA) compared to the number of lots due to the development.
- The cost of the land resumption, services relocations and traffic management during construction for the design and construction of signalised traffic treatments or roundabouts at Shores Drive - Yamba Road Intersection, Carrs Drive - Yamba Road Intersection and Treelands Drive - Yamba Road Intersection
- The requirements determined by the water and sewerage 'Servicing Strategy', as conditioned
- The cost of upgrading and / or maintaining the existing road, drainage water and sewerage networks due to the impacts of the proposed development

The VPA must be completed, or the infrastructure required constructed, prior to the issue of the Subdivision Certificate for each and every stage.

If a Voluntary Planning Agreement is entered into, pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the applicant is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 6 of Part 4 of the EP&A Act, which the applicant/developer has offered to enter into.

Council will consider a reduction of Section 94 Contributions where it can be demonstrated by the developer that works in kind and other material benefits have been provided that serve the West Yamba Urban Release Area, under the provisions of the Clarence Valley Contributions Plan 2011, Clause 2.18.

Certification

41. Prior to the release of any Subdivision Certificate for each and every stage, which dedicates infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
42. In accordance with NRDC and prior to the release of a Subdivision Certificate for each and every stage, the applicant must provide Work as Executed Plans by a registered surveyor for all works, and certification from the supervising professional engineer or registered surveyor, that the works have

NORTHERN JOINT REGIONAL PLANNING PANEL

been constructed in accordance with the approved plans and specifications.

The Plan must include:

- Pressure sewer boundary kit details and sewer junction sheet records in accordance with the requirements of Clarence Valley Council where sewer works are involved.
 - Detailed records of the materials used, inspection and testing for the construction of WSUD systems.
 - Details of both original levels and finished surface levels after filling material has been placed on the site and compacted
43. Prior to the issue of a Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, WSUD components, pipelines, road batters, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.

Lighting

44. Prior to release of the Subdivision Certificate for each and every stage the development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and consider the NSW Police 'Safer By Design' guidelines. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to issue of the Civil Construction Certificate for the relevant stage.

Maintenance Bond

45. Prior to release of the Subdivision Certificate for each and every stage and acceptance 'On Maintenance', a maintenance bond for the constructed civil engineering works must be paid to Council. The bond may be in cash or by unconditional financial institution guarantee.

The bond required is the larger sum of :

- 5% of the contract sum where the total value is more than \$50,000 or;
- \$2,500

NORTHERN JOINT REGIONAL PLANNING PANEL

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to staging requirements, material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period. The maintenance period and bond amounts for WSUD systems must be in accordance with the Council or accredited private certifier approved stormwater management plan.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council and/or accredited private certifier to confirm compliance and performance of constructed works, in accordance with NRDC.

Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection and agree to accept the works. The documentation, compliance and performance of the constructed works must be in accordance with NRDC for Council to accept responsibility for the infrastructure.

Earthworks

46. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a Civil Construction Certificate.

The earthworks Management Plan is to be prepared in accordance with Council's guidelines. The guidelines are listed in the Advices section of this Notice.

47. Earthworks must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and NRDC.
48. Prior to release of a Subdivision Certificate for each and every stage, certification from the Geotechnical Inspection And Testing Authority (NATA) who undertook Level 1 inspection and testing, in accordance with AS3798, will be required confirming that each lot is suitable for the intended purpose. All testing and documentation as required under AS3798 and NRDC must be submitted.
49. Any excavation resulting in disturbance of more than one tonne of soil at a depth of greater than 2m below natural ground surface, or work that is likely to lower the watertable beyond 2m below natural

surface shall comply with Councils' Acid Sulfate Soil management provisions.

50. Where earthworks are proposed for the site, professional details of the Geotechnical Inspection And Testing Authority involved in the project are to be submitted to Council or accredited private certifier for approval. Details of the Geotechnical Engineer involved in the design must be submitted prior to the issue of the Civil Construction Certificate whilst details of the Geotechnical Inspection And Testing Authority involved in the construction must be submitted prior to the commencement of works. The details are to include NATA accreditation, qualifications and accreditations of the principle geotechnical professionals who will be certifying the design and construction, insurances held and any other relevant material.
51. The design of retaining walls for site regrading and fill earthworks must be in accordance with AS4678 Earth retaining structures for a minimum design life of 100 years using recommendations made by a Geotechnical Authority. The design and construction supervision shall be carried out by a Qualified Certified Structural or Civil Engineer (NPER 3 Registered).

Retaining walls, including footings, shall be no closer than 150mm to the property boundary and contained wholly within the development site. The designs shall consider the close proximity to the coast, acid sulphate soils and probable flood conditions.

Erosion and Sedimentation Control

52. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC.
53. A detailed Erosion and Sediment Control Management Plan (ESCMP) for each stage of the subdivision must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a Civil Construction Certificate for the relevant stage. The ESCMP plan shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All remedial works are to be completed to the satisfaction of Council. This shall include WSUD components of the proposed drainage system.
54. The applicant must ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become untrafficable for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.

55. During dry weather, standard dust suppression methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by dust.
56. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.
57. All disturbed areas shall be stabilised and revegetated. Turfing or other approved method shall be undertaken in conjunction with, or immediately following, completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated with inspection and maintenance programs. Control measures must remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier, in writing, together with 24 hour per day contact details for the extent of construction and maintenance period, for each and every stage.

Integrated Development

58. Compliance with the General Terms of Approval and advice of the NSW Department of Primary Industries - Office of Water, as contained in their letter dated 28 October 2014, consisting of five (5) pages, and as attached to this Notice of Determination.
59. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the Civil Construction Certificate.

Under section 91E of the Water Management Act 2000 an approval is required to undertake controlled activities on waterfront land. A 'Controlled Activity Approval' from the Department of Primary Industries - Office of Water, under Part 3, Chapter 3 of the Water Management Act 2000, is required prior to the commencement of works.

Heritage

60. Should any aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director of National Parks and Wildlife Service shall be contacted immediately and any directions or requirements of the Service complied with.

Environment

61. A Habitat Restoration Management Plan with native tree/shrub planting schedules outlining appropriate management practices is to be submitted to and approved by Council, and implemented prior to the release of Stage 1.

The Plan must include:

- A Schedule of timing of works to be undertaken
 - A statement of commitment by the consent holder to funding the proposed works for a minimum five (5) year period
 - A Statement of commitment by the consent holder that the works will be completed by a qualified and experienced bush regeneration personnel
 - A mechanism to fund and in perpetuity the ongoing maintenance of the environmental protection land
 - A mechanism to protect in perpetuity the environmental protection land
 - The amelioration measures as outlined in the JWA Ecological Consultants Pty Ltd October 2014 Ecological Assessment
 - Details of compensatory offset for loss of habitat and the Endangered Ecological Community located on Lot 1722 DP1035524
62. For all trees at the interface with any development related works, compliance with the provisions of Australian Standard AS4970-2009 *Protection of Trees on Development Sites*.
63. Prior to any construction (including clearing and earthworks) commencing on the site, temporary fencing must be erected around the boundary of the development site to distinguish the development site from adjacent environmental conservation/management land.
64. Site sheds, materials, machinery and waste are to be located and stored or deposited, temporarily or otherwise on the development site so that no impacts occur on retained vegetation.
65. Proposed Lot 162 must be consolidated with a residential allotment as part of Stage 1.