

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held electronically between 3 and 4 December 2015

Panel Members: Garry West (Chair), Pamela Westing, John Griffin.

Apologies: None    Declarations of Interest: None

### Determination and Statement of Reasons

**2015NTH003 – CLARENCE VALLEY – DA2015/0037 [Centenary Drive Maclean] as described in Schedule 1.**

**Date of decision:** 4 December 2015

**Decision:** The panel determined to approve the application as described in Schedule 1 pursuant to section 80 of the Environmental Planning and Assessment Act 1979 [subject to the conditions contained in Schedule 2].

**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:**

- Historical uses of the site indicate there is little to no potential for the site to be contaminated therefore the provisions of SEPP 55 are not required. The proposed supermarket will not conflict with the provisions of SEPP 71 – Coastal Policy.
- At the public meeting, the panel considered the assessment of those matters in the Council Assessment Report, and subject to the requirement for a plan relating to access and egress the panel indicated they were minded to give approval.
- The principal reason for the panel decision was that the proposed development meets the goals set out in the Lower Clarence Retail Strategy adopted by Council. Other reasons for the panel decision were:
  - a) A supermarket of the size proposed would assist in providing additional shopping opportunity integrated within the main CBD area of Maclean;
  - b) Overall, public parking spaces will be increased as a result of the development;
  - c) Flooding impacts have been satisfactorily addressed in the proposed conditions; and
  - d) The location will not impact on the heritage values of the Maclean township.
- The Truck Pathway and Carpark plan reduces the potential impact on the entry to the Bowls Club and improves pedestrian and vehicular safety in the immediate vicinity.
- All the relevant issues identified in the Council Assessment Report, and raised during consideration of submissions and by the Panel have been addressed.
- The proposed supermarket will support the main shopping area of Maclean and is in the public interest.

**Conditions:** as proposed in the Council Assessment Report, with the following amendments:

*Amendments made at the public meeting on 18 November 2015:*

1. C4 to clarify the vehicle type/size that is permitted to access the site;
2. C8 to be changed to refer to wall articulation rather than wall alignment;
3. C22 to additionally refer to RMS requirements, permitting the deletion of draft C37;
4. C28 modified to better describe what deficiencies require rectification;
5. C35 to clarify lighting requirements in public areas; and permitting the deletion of draft C70;
6. C62 to adopt flood control protection utilising an engineered flood barrier system;
7. C85 to set the NSW EPA Industrial Noise Policy as the noise criteria.

*Amendment made during electronic meeting, as recommended in the Addendum Assessment Memorandum:*

The approved plans listed in the conditions of consent to include plan titled "Southern Access –

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Truck Pathway & Carpark", dated 2/12/2015

Final approved conditions are in Schedule 2.

### Panel members:



**Garry West (Chair)**



**Pamela Westing**



**John Griffin**

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### SCHEDULE 1

1	<b>JRPP Reference – LGA – Council Reference:</b> 2015NTH003 – CLARENCE VALLEY – DA2015/0037
2	<b>Proposed development:</b> Supermarket, liquor outlet, car parking and subdivision of land. NOTE: This application is reliant on approval of a planning proposal which has been lodged concurrently.
3	<b>Street address:</b> Centenary Drive Maclean
4	<b>Applicant: Wakefield Planning Owners:</b> <ul style="list-style-type: none"> <li>• Metcash Food and grocery Pty Ltd (lot 102 DP1189229 – Centenary Drive car park site)</li> <li>• Chums Investments Pty Ltd (lot 1 DP433991 number 1 Argyle street; lots 1 &amp; 2 DP796925 No. 1 Morven Street; lot 1 DP119832 No 3 Morven St)</li> <li>• Clarence Valley Council (lot 103 DP1189229, part of Cameron park and part car park)</li> </ul>
5	<b>Type of Regional development:</b> CIV >\$5Million, Council Interest
6	<b>Relevant mandatory considerations:</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Clarence Valley Local Environmental Plan 2011</li> <li>• Clarence Valley Council Business Zones Development Control Plan 2011</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated 5 November 2015 Written submissions during public exhibition: 40 Verbal submissions at the panel meeting: Support- 3; Against- 3; On behalf of the applicant- 1 Submission by Applicant proposing changes to draft conditions. Submissions by the following Council staff in attendance at the meeting: Cheryl Sisson, Development Services Coordinator; Des Schroder, Director, Environment, Planning & Community; Ian Dodd, Development Engineer; Alan Downton, Senior Building Surveyor. Addendum assessment memorandum from Clarence Valley Council dated 2 December 2015
8	<b>Meetings and site inspections by the panel:</b> Site Inspection & Briefing Meeting: 18 November 2015 Public Meeting: 18 November 2015 (Deferred) Electronic meeting from 3 December 2015 to 4 December 2015
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Contained in Assessment Report, as amended at the meeting.

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## SCHEDULE 2

### Draft Conditions of Consent for DA2015/0037

#### Definitions (as referenced in conditions)

~ **NRDC** means the current engineering standards in accordance with the :

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)  
Sewerage Code of Australia (WSA 02 - 2002)
- e
- f Water Supply Code of Australia (WSA 03 - 2002)

The current version of **NRDC** can be obtained from the Clarence Valley Council webpage.

~ **Civil Works includes -**

- a Earthworks
- b Roadworks
- c Drainage
- d Structures
- e Water & Sewerage Reticulation
- f Flood Mitigation
- g Parking areas
- h Provision of Services

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~ **NATA** means National Association of Testing Authorities

~ **RMS** means Roads and Maritime Services

~ **Civil CC** is a 'Construction Certificate for Public Infrastructure' and means a :

- Subdivision Construction Certificate in accordance with the Environmental Planning and Assessment Act 1979, Sections 109C(1)(b), 81A(2) & 81A(4)
- Section 138 Roads Act 1993 (road opening) approval
- Section 68 Local Government Act (water & sewer) approval

A **Civil CC** authorises public infrastructure, civil construction works and confirms that development plans and specifications comply with Council's Development Control Plan (DCP), engineering development design specifications and construction standards (**NRDC**).

~ **ITP** means Inspection and Testing Plan in accordance with **NRDC**

~ **TCP** means Traffic Control Plan in accordance with **RMS** 'Traffic Control at Worksites'.

~ **NorBe** means the control and mitigation of developed stormwater quality and flow-rate quantity to achieve a neutral or beneficial outcome for post-development conditions when compared to pre-development conditions, in accordance with **NRDC**.

### Advice

: 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 2015/16 financial year contributions are :

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### Water Headworks

\$5,207.40 x 10.2 additional ET's = \$53,115.48

### Sewer Headworks

\$10,414.80 x 10.2 additional ET's = \$106,230.96

The Equivalent Tenement (ET) calculation of 10.2 ET's is based on Council's adopted rates for shops, offices, factories & bulk stores and the submitted development application drawing numbers TP03 & TP04 by TRG. The floor area and calculation of these charges are to be confirmed following the submission of Building Construction Certificate application drawings.

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.

Where any works are required on Council's 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.

### CONDITIONS

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulation thereunder, the Building Code of Australia (BCA) and being generally in accordance with plan(s) numbered:
  - TPO3 Rev E Proposed site plan, dated Sept 14, submitted/drawn by +trg;
  - TPO4 Rev A Indicative floor and roof plan, dated Sept 14, submitted/drawn by +trg;
  - TPO5 proposed elevations, dated Sept 14, submitted/drawn by +trg;
  - TP.13 Proposed supermarket, dated Sept 14, submitted/drawn by +trg;
  - 'Southern Access – Truck Pathway & Carpark, dated 2/12/2015as amended in red, or where modified by any conditions of this consent.

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

**\$25,000**

GL S94ACVCOthResAcco

This amount is based on the following calculation

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$2,500,000

The contributions are to be paid to Council prior to release of the Construction Certificate. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

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. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

3. Hours of opening for the supermarket are limited to 7am – 9pm weekdays and 7am – 8pm on weekends.
4. Deliveries to the supermarket by large semi-trailers (ie; longer than 19 metres) are not permitted. Deliveries are not permitted prior to 6am or after 9.30pm Monday to Saturday; or prior to 7am and after 7pm Sundays. This is to be reflected in the Traffic Management Plan (**TMP**) for the operational phase of the supermarket.

Deliveries should also avoid peak business trading hours within the Maclean CBD.

5. A landscape plan, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of a Building Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.
6. Any trees or shrubs (except camphor laurel trees) existing on the site and not directly in conflict

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with proposed building footprints are to be retained and protected during construction works.

7. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued. The approved landscaping must be maintained.

### **Heritage Conditions**

8. Areas of wall articulation are to be introduced to create areas of protrusion, recess and shadow; designed to break up the bulk and scale of the long sections of blank wall. Detail of the treatment is to be provided with the Building Construction Certificate application.
9. A colour palette for the supermarket building is to be provided to Council for approval prior to issue of the Building Construction Certificate.
10. Details of all signage, including the location, size and content must be clearly shown on the plans lodged with the Building Construction Plans. Only that signage shown on the approved plans is approved (unless it is exempt under the LEP or SEPP).

### **Engineering conditions**

11. A Certificate of Compliance for Water and/or Sewer works must be obtained from Council prior to issue of an Occupation Certificate. This may require payment of a fee. See Advice note for contribution amounts.
12. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
13. The developer must design and construct all civil works, in accordance with current engineering standards (**NRDC**) and the approved construction certificate for public infrastructure (**Civil CC**). Civil works must be supervised by a suitably qualified and experienced engineer and/or registered surveyor. The Council will hold a 'Public Infrastructure Maintenance Bond', in accordance with Council's fees and charges, against the civil works until such time as Council is satisfied to take ownership of the constructed infrastructure.



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14. An 'Inspection and Testing Plan' (**ITP**), must be submitted for approval with an application for a **Civil CC**. The supervising engineer and/or registered surveyor must arrange for inspections in accordance with the approved **ITP**. They must accompany Council and/or accredited Private Certifier on the nominated inspections unless alternative arrangements are made. Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to permit hold point inspections of the following components of the construction process:
- a Site preparation, Roadworks & Earthworks
    - i Sedimentation & erosion controls
    - ii Sub-grade (including sub-grade improvement works)
    - iii Pavement Sub-base Layers (at discretion of Council's Development Engineer)
    - iv Pavement pre-seal
    - v Final including stormwater
  - b Stormwater
    - i Prior to backfilling of trenches
    - ii In accordance with the **ITP**
  - c Sewer
    - i Prior to backfilling of trenches
    - ii In accordance with the **ITP**
    - iii Pressure testing
  - d Water
    - i Prior to backfilling of trenches
    - ii In accordance with the **ITP**
    - iii Pressure testing
  - e 'On Maintenance' (supervising engineer, the contractor and Council must attend)
  - f 'Off Maintenance' - Acceptance of Public infrastructure by Council (supervising engineer, the contractor and Council must attend)

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15. Prior to the issue of an Occupation Certificate, Council will require satisfactory written evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
16. A 'Traffic Control Plan' (**TCP**) 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 cover all stages / parts of the development and must be prepared by a person authorised by Roads & Maritime Services (**RMS**) to prepare **TCP**'s. All applicable **TCP**'s are to be endorsed by Council prior to the occupation of the road reserve and commencement of work.
17. Prior to commencement of any construction works, a 'Construction Management Plan' (**CMP**) and a 'Traffic Management Plan' (**TMP**) must be submitted by the appointed contractor for approval by Council and/or accredited private certifier. These plans must :
  - a) Document construction management and the proposed methods of work for all stages / parts of the development with regard to the Work Health and Safety Act 2011 and Council requirements, both within the development and for other property affected by the development.
  - b) Document traffic (pedestrian & vehicular) management for the course of the development project. The **TMP** shall include **TCP**'s.
  - c) Demonstrate that vehicles associated with the development project will be parked and/or garaged within a designated area or property that is approved by Council;
  - d) Include an operational **TMP** for the supermarket, including operating times, consideration of waste management, supermarket trolley management, and loading dock heavy vehicle movements. This **TMP** must consider risk and safety for the public and vehicles with regard to activities associated with the 'on-going' operation of the supermarket.
  - e) Include manoeuvring diagrams for the existing road network and car parks to be utilised during the construction of the development and for the 'on-going' operation of the supermarket (reference 12.318r01v6 Maclean TA, Issue VI – Drawing TX-03 and TRG Drawing Number TP09-P2). These diagrams are to be to a scale approved by Council and be in accordance with AS2890 and 'AustRoads' engineering guidelines. They must be approved by a **Civil CC**. Vehicle movements must comply with the Australian and New South Wales Road Rules.
  - f) Include a construction staging plan for the supermarket car park and the Argyle Street car park which has been approved by a **Civil CC**. The staging and provision of car parking must also demonstrate continuous access to the public for car parking and pedestrian access to the Maclean CBD and adjacent property and/or businesses during the course of the development construction works.
18. 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.

### Water Reticulation

- 19. Prior to issue of the Occupation Certificate, the applicant is to provide water supply infrastructure to service the development, in accordance with **NRDC** and the Clarence Valley Council Sewer & Water Connection Policy.
- 20. Water Reticulation Management & Hydraulics Services Plans must be submitted for assessment and approval by Council, prior to the issue of an a **Civil CC**. The plans shall include an assessment of the existing water supply to ensure sufficient flows are available for the proposed development, including fire fighting flows.

Water meters must be of a type approved by Council or purchased from Council, and the proposed location of the water meter must be shown on the Plans.

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

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21. Sewerage Reticulation Management Plans must be submitted for assessment and approval by Council. The plans must be in accordance with **NRDC** and be approved by Council prior to the issue of a **Civil CC**.

### Roads & Car Parks

22. Road and car park design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plan (**DCP**), RMS requirements, and **NRDC**. Civil Engineering design plans must be submitted to Council for a **Civil CC** approval.
23. Road and car park pavements, including surfacing and/or seal designs, must be in accordance with **NRDC**. They must be submitted to Council for a **Civil CC** approval. A minimum 40mm depth of compacted asphaltic concrete (AC) surface is required.

The AC mix shall be designed in accordance with the estimated maximum traffic loading or the Equivalent Standard Axles (ESA's) specified in **NRDC**, whichever is the greater.

Concrete pavements, suitable for the intended design loadings, may be constructed subject to submission of alternative engineering designs for the approval of Council.

24. The **Civil CC** application must include design calculations for, and details of, any necessary upgrade of the existing stormwater drainage system and/or any other affected service.
25. Concrete footpaths are to be provided generally in accordance with the submitted development application plans. The submitted **Civil CC** plans must demonstrate compliance with **NRDC**, AS1428 and AS2890, disabled access requirements and the adopted Clarence Valley Council – Bike Plan and Pedestrian Access and Mobility Plan.
26. A 'four-way' Intersection (Centenary Drive- Argyle Street carpark) must be designed, approved by a **Civil CC** and constructed in accordance with **NRDC** and 'Aust-Roads' engineering guidelines, prior to the issue of an Occupation Certificate. Civil engineering design details of the car park and entry/exit driveway, including signage and line-marking, must be provided with the **Civil CC** application. The proposed Argyle Street carpark entry & exit driveway forms part of the four-way intersection.

27. Centenary Drive, from the raised pedestrian crossing near Stanley Street to the proposed raised pedestrian crossing is to be a 'Shared Zone', in accordance with RMS Technical Direction TTD2014/003 – July 2014. It must be linemarked and signed accordingly.

The Traffic Report (reference 12.318r01v6 Maclean TA, Issue VI) and Council amended 'Shared Zone' plan for Centenary Drive were endorsed by the Clarence Valley Council Local Traffic Committee. Final approval by Council is required prior to issue of a **Civil CC**.

28. A Traffic Impact and Pavement Condition Assessment Report (Report) to determine the existing condition of the part of the road network and car park affected by the development's construction and the 'on-going' operation of the supermarket, must be submitted to Council for assessment for a **Civil CC**. The part of the road network and carpark affected is as shown in the reference 12.318r01v6 Maclean TA, Issue VI – Drawing TX-03 and TRG Drawing Number TP09-P2 and includes all connecting roadways, car park driveways / access lanes and the following intersections::

- Wharf Street – Short Street - River Street
- Alexander Street – Bowling Club / Car Park entry
- McLachlan Street – Swimming Pool Car Park entry

Subject to the minimum pavement required by these consent conditions, the Report shall be used as the basis for the **Civil CC** road and car park pavement designs. The Report must :

- a) Include an assessment of all parts of the road network and existing car park that may be affected by traffic generated by the development, as identified in the Traffic Impact Assessment submitted with the development application (reference 12.318r01v6 Maclean TA, Issue VI);
  - b) Be completed by a suitably qualified, experienced Civil and/or Geotechnical Engineer;
  - c) Consider the impact of proposed service vehicles and construction traffic;
  - d) Consider existing groundwater levels and soil subgrade conditions;
  - e) Recommend measures to be taken to maintain the existing pavement conditions during the construction phase of the development.
29. Prior to the commencement of construction works and subject to the recommendations of the 'Traffic Impact and Pavement Condition Assessment Report', payment of a 'Road Maintenance Bond' in the amount of a minimum of \$50,000 is required. This is to ensure maintenance of the existing public car park and affected road network for public safety and amenity.

This bond is to cover the cost, if it is necessary for Council to carry out emergency maintenance

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works. Should pavement condition become unsafe 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 'Deed Of Agreement' setting out the terms of the bond, and is subject to the movement of the Consumer Price Index. The completion of the agreement will be at the developers cost and in accordance with Council's Fees & Charges current at the time.

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 minimum bond amount of \$50,000 before any further work is undertaken on the development.

### Stormwater Drainage & Flooding

30. 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 Plan and **NRDC**. A Stormwater Management Plan (SWMP) must be prepared in accordance with **NRDC** and submitted to Council and/or accredited private certifier for assessment and approval prior to the issue of a **Civil CC**. The SWMP must :
  - a) Demonstrate a neutral or beneficial impact (**NorBe**),;
  - b) Consider any adjacent property or infrastructure affected by the development;
  - c) Include Civil engineering design details of any proposed drainage systems, points of discharge, On-site detention (OSD) and water quality control systems;
  - d) Consider both construction and operational phases of the development of the supermarket.
31. The property is flood affected. All works are to minimise the adverse effects of flooding in accordance with the relevant parts of the Clarence Valley Council Development Control Plans (DCP) 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 3.75m AHD and the Extreme Flood Level is RL 5.08m AHD. Development on the site must be undertaken in compliance with the flood plain management controls listed in the DCP.

### Certification

32. Prior to the release of any Occupation Certificate for a development which dedicates

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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.

33. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all constructed civil works. Certification is to be provided from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved **Civil CC** plans and specifications.
34. If unrecorded services and/or utilities are located during the construction works, Council will determine if referral, relocation, reconstruction and/or easements will be required over that infrastructure. Referral to other infrastructure authorities (such as Telstra or Essential Energy) or private property / service owners may be required. Any investigation, negotiation and construction works will be at the developers cost.

If required, easements must be in favour of the infrastructure owner and a Section 88B Instrument (one copy thereof), must be submitted to and approved by Council and/or accredited private certifier prior to the issue of the Occupation Certificate. The right to release vary or modify the easement is to be assigned to the infrastructure owner. The developer is responsible for all costs.

Prior to the issue of the Occupation Certificate, certification is to be provided to Council by a registered surveyor confirming that all such infrastructure is located outside the development property boundaries or within an easement.

### Lighting

35. Prior to release of the Occupation Certificate, the development and all associated car parking areas shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and AS 4282 (Obtrusive effects of lighting) and consider the requirements of the NSW Police 'Safer By Design' guidelines. Artificial lighting around the perimeter of a building, must be controlled by -
  - a a daylight sensor; or
  - b a time switch that is capable of switching on and off electric power to the system at variable pre-programmed times and on variable pre-programmed days..

### Maintenance Bond

36. Prior to release of the Occupation Certificate and acceptance 'On Maintenance' by Council, a 'Public Infrastructure Maintenance Bond' (Bond) for the constructed civil works must be paid to Council. The Bond may be in cash or by financial institution guarantee.

The Bond required is the larger sum of :

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

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' as certified by Council and/or accredited private certifier. The maintenance period may be extended by Council due to material or construction work non-compliance reasons.

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

The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.

### Car Parks & Driveways

37. Grades and paths of travel for persons with disabilities are to be provided from carpark bays through to the main entrance of the building. Access provisions are to be in accordance with AS1428.1 and the Building Code of Australia.

### Earthworks

38. An Earthworks Management Plan must be submitted to Council and/or accredited private certifier for assessment and approval prior to the issue of a **Civil CC**.

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



39. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 1 inspection and testing and **NRDC**.
40. 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.
41. 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 CC** 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.

### Erosion & Sedimentation Control

42. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plan, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**. These controls are to be maintained and managed by the developer and/or the appointed contractor until an Occupation Certificate is issued or the civil works are accepted 'Off Maintenance', whichever occurs last.
43. A detailed Erosion and Sediment Control Management Plan for the development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **Civil CC**. This 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.

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

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coordinated with inspection and maintenance procedures.

Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council and/or accredited private certifier in writing together with full 24 hour per day contact details.

44. 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.
45. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
46. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with, or immediately following, completion of earthworks.
47. A detailed Evacuation Plan, dealing with inundation of the site by flood or stormwater, is to be submitted and approved by Council and/or accredited private certifier prior to the issue of any Construction Certificate.

### **Building Conditions**

48. A fully dimensioned and notated work as executed sewer drainage and storm water plan for the supermarket building is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
49. No construction is to be commenced until a Construction Certificate has been issued.
50. The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to this building. Sufficient written documentation shall be submitted with the Construction

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Certificate application to indicate compliance with Section J in the following areas:

- a Building fabric
- b External glazing
- c Building sealing
- d Air movement
- e Air conditioning and ventilation
- f Artificial lighting and power
- g Hot water supply
- h Access for maintenance

51. A certificate of conformity from a suitably qualified building professional shall be submitted to the Principal Certifying Authority with the Construction Certificate application to confirm that the proposed building will comply with Section J of the BCA.
52. A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.1m from the floor.
53. A minimum aggregate exit width of 4800mm is to be provided to the building.
54. Egress is to comply with the provisions of Part D1 of the BCA.
55. Working hours on the construction project being limited to the following:

**7.00 am to 6.00 pm 6 days per week 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.

56. **Mandatory Inspections:** The head contractor or owner-builder must give Council as the certifying

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authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:

- a **Pier holes** (if any), before concrete is poured,
- b **Footings**, with reinforcement in place before pouring of concrete,
- c After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
- d Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
- e **Plumbing work** prior to covering/lining walls,
- f **Sewer drainage** work prior to back filling/lining,
- g Before covering **waterproofing in any wet areas**,
- h Before covering any **stormwater drainage** connections,
- i After the **building work has been completed** and prior to occupation.

If any of these inspections are not performed an Occupation Certificate cannot be issued for the building. Inspection bookings can be made online at [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au) until midnight on the day before the inspection or by calling Council on 02 6643 0200 during office hours. The Development Application number must be provided when booking an inspection.

- 57. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
- 58. Materials used in the construction of the building shall be capable of withstanding inundation by floodwaters. Electrical connections and where practicable, electrical equipment should be located a minimum of 500mm above the one-in-one hundred year flood level.
- 59. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colorbond, galvanised iron and zincalume are not permitted.
- 60. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be

provided:

- a A hoarding or fence must be erected between the work site and the public place.
- b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d Any such hoarding, fence or awning is to be removed when the work has been completed.

These requirements are to be reflected in the Construction and Traffic Management Plans for the development of the supermarket.

- 61. To meet Council's Floodplain Management Controls flood protection is to be provided to the building to a minimum height of 4.25m AHD. This is to include a floor level of 3.05m AHD together with an engineered flood barrier system to at least 4.25m AHD. Certification from a practicing structural engineer with experience in flood barrier systems is to be provided as part of the Construction Certificate application verifying that the structural design of the flood barrier system and the building design (including resistance to buoyancy forces) would withstand a flood to the flood planning level. During construction, a certificate indicating the height of the finished floor level (related to AHD) is to be forwarded to the Principal Certifying Authority when the formwork is in place, but prior to the concrete pour. This certificate is to be provided by a registered surveyor and no further work is to be carried out on the building until such certificate is provided to the Principal Certifying Authority.
- 62. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and prior to its occupation, the glass suppliers/installers certificate is to be submitted to Council.
- 63. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1-2009.
- 64. Accessible facilities for the use of the disabled shall be provided as specified in Clause F2.4 of the Building Code of Australia and shall be constructed to the requirements of AS 1428.1-2009.
- 65. Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.

66. In a building required to be accessible, braille and tactile signage complying with Specification D3.6 of the Building Code of Australia and incorporating the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1-2009 must identify each sanitary facility; space with a hearing augmentation system and door with a required 'exit' sign.
67. A unisex accessible toilet complying with AS 1428.1-2009 shall be installed in the building. Details to be provided with the Construction Certificate plans.
68. 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.
69. The artificial Emergency lighting to each stairway must be on a separate circuit from the main switchboard for the exclusive use of that stairway. A certificate from the electrical contractor to certify that this condition has been complied with shall be submitted to the Principal Certifying Authority prior to an occupation certificate being issued.
70. An exit and emergency lighting system is to be provided throughout the building to comply with the requirements of Part E4.2 of the Building Code of Australia and AS 2293.1. The system is to be circuit sensing to the building lighting circuits.
71. An exit sign must be clearly visible to persons approaching the exit, and must be installed on, above or adjacent to each:
  - a door providing direct egress from a storey to:
    - i an enclosed stairway, passageway or ramp serving as a required exit; and
    - ii an external stairway, passageway or ramp serving as a required exit; and
    - iii an external access balcony leading to a required exit; and
  - b door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space; and
  - c horizontal exit; and

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- d door serving as, or forming part of, a required exit in a storey required to be provided with emergency lighting in accordance with E4.2.
72. Electrical plans indicating the position of all exit signs and/or emergency lighting must be submitted to the Principal Certifying Authority for approval prior to issuing a Construction Certificate.
73. All materials used in the building (in particular floor linings and floor coverings) must comply with the fire hazard properties specified in Specification C1.10 of the Building Code of Australia. Manufacturer's specifications and standard fire test reports confirming compliance will need to be provided prior to the issue of an Occupation Certificate.
74. A fire hose reel system complying with AS 2441 must be provided to service the whole building so that no point on the floor is beyond the reach of the nozzle end of a fully extended hose.

External hydrants must:

- a be accessible to fire brigade personnel;
  - b be located no more than 20m unobstructed distance from hard standing access for a fire pump appliance.
  - c have two outlets in every fixed on-site pump set.
75. Internal hydrants or fixed on-site pumpsets must be located:
- a in a clearly indicated room having direct egress to a road or open space; and
  - b if the building is not protected throughout by a sprinkler system complying with Spec. E1.5, separated from the remainder of the building by construction having a FRL of not less than that required for a fire wall for the particular building classification;
  - c within each required fire isolated exit;
  - d within the tenanted space and within 4m of a required non-fire-isolated exit;
  - e so that any point on a floor of the building is within reach of a 6m stream of water from the nozzle end of a fully extended 30m length of hose.
76. A fire hydrant system must be installed in accordance with AS 2419.1 and Part E1.3 of the Building

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Code of Australia.

77. Portable fire extinguishers must be provided and must be selected, located and distributed in accordance with AS 2444.
78. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
  - a Home Owners Warranty Insurance Certificate or copy of the Owner Builder permit
  - b Engineering details
  - c The name and licence number of the builder (if not carrying out the work as an owner builder)
79. The mechanical ventilation system shall comply with Clause F4.5 of the Building Code of Australia and AS 1668.1 and AS 1668.2 (Mechanical Ventilation and Air Conditioning Code). Full details from a mechanical engineer shall be submitted to the Principal Certifying Authority for approval together with a certificate to certify that the whole system complies, including methods to prevent the spread of fire, and provide the required air changes.
80. A compliance certificate or other form of documentary evidence from a mechanical engineer certifying that the mechanical ventilation system, as installed, complies with Clause F4.5 of the Building Code of Australia & AS 1668.1 and AS 1668.2 shall be submitted to the Principal Certifying Authority at the time of final inspection.
81. The construction certificate application must include the following information:
  - a A Structural Engineer's design for all footings, floor slabs, concrete walls, columns, roof and stairs.
  - b A compliance certificate or other form of documentary evidence from a practising Structural Engineer confirming the satisfactory fabrication and holding down requirement of the portal frames.
  - c A compliance certificate or other form of documentary evidence from a Structural Engineer to certify that the building complies with the requirements of the NSW Specification B1.3 of the Building Code of Australia.



- d Details for wind bracing and tie down for the building.

### **Environmental health conditions**

- 82. Prior to release of the Building Construction Certificate, detailed floor plans and elevations of all food preparation and food storage areas shall be submitted to, and approved by Council. Plans shall include the types of finishes to floors, walls, ceilings, benches and shelves, elevations of fixtures and fittings and location of hand wash basins etc.
- 83. The acoustic performance of the roof plant must comply with the EPA NSW industrial Noise Policy. Details of how the roof plant will meet this standard must be provided prior to issue of the Building Construction Certificate.

### **Trade Waste Conditions**

- 84. An application to discharge liquid trade waste to Council's sewerage system shall be submitted for approval prior to issuing the Occupation Certificate.
- 85. All sinks and floor wastes in food preparation areas shall contain basket arrestors
- 86. All cleaners sinks shall contain basket arrestors
- 87. An oil collection system (such as Big Dipper, Grease Guardian, Greaseshield, etc) shall be installed on the outlet of the ovens used for chicken cooking.
- 88. All liquid trade waste generated in food preparation and cooking areas shall discharge through an appropriately sized grease arrestor. Details of the grease arrestor model and size shall be submitted to Council for approval prior to installation. The grease arrestor shall be installed in a location that is accessible for pumpout service providers.
- 89. All waste oil shall be contained in a roofed and bunded area with a capacity of 110% of the volume of

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the largest container, to prevent discharge to the environment or Councils sewerage system in the event of a spill or rupture