

COUNCIL ASSESSMENT REPORT - ADDENDUM

Panel Reference	PPSNTH-129
DA Number	DA2021/0558
LGA	Clarence Valley Council
Proposed Development	Multi Dwelling Housing (136 Dwellings, one exhibition home, community facilities including clubhouse, swimming pool, gym and cinema, associated infrastructure and landscaping)
Street Address	8 Park Avenue, Yamba NSW 2464
Applicant/Owner	Applicant: Hometown Australia Management Pty Ltd Owner: Parkes Menai P/L
Date of DA lodgement	2 August 2021
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 21 received with original exhibition – 18 received since 10 March 2022 • 21 received with original exhibition – 18 received since 10 March 2022
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Schedule 7(2) of State Environmental Planning Policy (State and Regional Development) 2011 - General development over \$30 million (Development that has a capital investment value of more than \$30 million)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Local Government Act 1993 • Environmental Planning and Assessment Regulation 2000 • Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Coastal Management) 2018 • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Residential Zones Development Control Plan • North Coast Environmental Plan 2036 • NSW Coastal Design Guidelines
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1: Hometown Australia Response to Planning Panel Deferral</p> <p>Attachment 2: Flood Emergency Management Plan & Flood Risk Assessment - Bewsher Consulting Pty Ltd 30 June 2022</p> <p>Attachment 3: Amended Statement of Environmental Effects - Hometown Australia 7 July 2022</p> <p>Attachment 4: Amended Stormwater Plan - Newton Denny Chapelle 16 June 2022</p> <p>Attachment 5: Amended Social Impact Assessment - Agis Group September 2021</p> <p>Attachment 6: Energy Efficiency Report - Collins W Collins 16 June 2022</p> <p>Attachment 7: Amended Architectural Plans - JKH Build Design</p> <p>Attachment 8: Amended Landscape Plans - Studio51</p> <p>Attachment 9: Submissions</p>
Clause 4.6 requests	<ul style="list-style-type: none"> • Nil
Summary of key submissions	<ul style="list-style-type: none"> • Stormwater/drainage • Maintenance of existing drain

	<ul style="list-style-type: none"> Onsite Stormwater Detention Traffic impacts and parking
Report prepared by	Carmen Landers, Development Planner (Systems)
Report date	11 July 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No**Conditions**

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

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Attachments

Attachment 1: Hometown Australia Response to Planning Panel Deferral

Attachment 2: Flood Emergency Management Plan & Flood Risk Assessment - Bewsher Consulting Pty Ltd 30 June 2022

Attachment 3: Amended Statement of Environmental Effects - Hometown Australia 7 July 2022

Attachment 4: Amended Stormwater Plan Newton Denny Chapelle 16 June 2022

Attachment 5: Amended Social Impact Assessment - Agis Group September 2021

Attachment 6: Energy Efficiency Report - Collins W Collins 16 June 2022

Attachment 7: Amended Architectural Plans - JKH Build Design

Attachment 8: Amended Landscape Plans - Studio51

Attachment 9: Submissions

Executive Summary

This report further considers Development Application DA2021/0558 being for a Multi Dwelling Housing development comprising 136 dwellings, one exhibition home, community facilities (including clubhouse, swimming pool, gym and cinema), associated infrastructure and landscaping upon Lot 101 DP1228576, being No. 8 Park Avenue, Yamba.

This application was originally heard at the Northern Regional Planning Panel on 10 March 2022 where it was determined to defer the matter to allow the preparation of a detailed Flood Emergency Management and Evacuation Plan to satisfy the relevant requirements of the Clarence Valley Local Environmental Plan 2011 (the LEP) and Residential Zones Development Control Plan (DCP).

The matters discussed in this addendum report are those pertinent to the reasons for deferral and other matters raised by the Panel during the initial meeting, including:

1. Flood Emergency Management and Evacuation Plan
2. Stormwater Management and ongoing maintenance of drainage easement
3. Energy Efficiency of proposed dwellings
4. Other amendments

It should be noted that the applicant has also provided a response to the 'Reasons for the decision of the minority of the Panel' and an updated Social Impact Assessment to correct some administration errors.

In addition to the above, Council has received 18 additional submissions since the initial meeting on 10 March 2022 and these are discussed in Issue 5.

Details of the proposed amendments to the draft Advices and Conditions is contained within the report and a complete list of advices and conditions for adoption is provided in Schedule 1.

The development complies with the standards and requirements of the LEP and DCP and is consistent with the relevant objectives.

The proposed development was previously assessed against the relevant matters for consideration pursuant to Section 4.15 of the EP&A Act, including suitability of the site and the public interest, and is considered acceptable. The additional assessment contained herewith maintains this position, noting improvements to the development application.

The draft advices and conditions of consent have been reviewed by the applicant and there are no outstanding matters.

1. Flood Emergency Management Plan and Flood Risk Assessment

In response to the Northern Regional Planning Panel deferral, a Flood Emergency Management Plan (FEMP) and a supplementary Flood Risk Assessment has been submitted to satisfy Clause 5.21 of the LEP and the Lower Clarence River Floodplain, Yamba Floodplain and other Floodplain controls set out in Schedule D4 of the Residential Zones DCP. The FEMP has been prepared by Bewsher Consulting Pty Ltd in consultation with the State Emergency Services (SES).

Council's Director Civil and Works has reviewed the FEMP and supports the approval for development subject to a condition of consent that the site be operated in accordance with the FEMP.

In addition to the preparation of a FEMP, the applicant has amended the design to provide the floor level of the Community Centre building above the Probable Maximum Flood (PMF) (3.63 metres AHD)

in line with Council's Floodplain Management Controls under Schedule D4 of the DCP . This satisfies the FEMP to provide a 'fully equipped community refuge on the site above the reach of the largest possible flood'.

Bewsher Consulting has provided a summary of the appropriateness of the development having regard to the NSW Floodplain Development Practice as follows:

1. *The proposed FEMP will allow the flood risks to occupants to be safely managed consistent with the SES' existing flood strategy for Yamba, Council's LEP and DCP controls, and the requirements of the NSW Floodplain Development Manual.*
2. *The provision of a fully equipped community refuge on the site above the reach of the largest possible flood will not only provide a safe haven for Parkside's occupants but also the local community. This will assist the SES' flood emergency management in the area during extreme floods.*
3. *The development cannot have any adverse flood impacts on adjacent properties given that the site is already substantially filled above the 1 in 100 chance per year flood level.*
4. *The additional filling and reshaping of the site's ground surface and the construction of a new stormwater system, will not only provide for proper drainage of the site but will also improve stormwater drainage for the adjacent residential developments.*
5. *There is an existing approval for more than a dozen residential super-lots on the site. We are advised by Council that the development flowing from this subdivision was envisaged to comprise 185 three bedroom dwellings compared to the 136 two bedroom dwellings within the current Application. The presence of a dedicated community manager and a coordinated warning/evacuation system, and the smaller number of dwellings/occupants means that the flood risk of the current Application is significantly less than that which may occur if the existing super-lots are subsequently developed as envisaged when the land was subdivided.*

A full assessment under the Clause 5.21 Flood Planning of the Clarence Valley Local Environmental Plan 2011 is provided below. It is also noted the assessment of flood risk by Council officers is generally consistent with the FEMP's supporting Flood Risk Assessment by Bewsher Consulting Pty Ltd, dated 30 June 2022 (Appendix B – 'Compatibility with LEP Requirements' of Attachment 2).

Clause 5.21 Flood Planning - Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*

Comment

The land is located within a flood planning area but not within an identified flood way. It is considered that the proposed additional filling of the site will have no detrimental flooding affects on other development or properties given the stormwater management for the development is shown to meet pre-development flows and the site does not act as a flood storage area or flowpath. Therefore, the development is considered to be compatible with the flood function and behaviour on the land.

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

Comment

As the majority of existing ground levels on the site are currently above the 1 in 100 year flood level, the proposed development will not result in any additional displacement of flood water during a 1 in 100 year riverine flood event. It is considered that the proposed additional filling of the site will have no detrimental flooding affects on other development or properties given the stormwater management for the development is shown to meet pre-development flows and the site does not act as a flood storage area or flowpath.

- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

Comment

A Flood Emergency Management Plan (FEMP) has been prepared for the site by Bewsher Consulting Pty Ltd dated 30 June 2022. The FEMP was prepared in consultation with the NSW State Emergency Service and Council as required by Schedule D4 of the DCP. The FEMP provides an evacuation strategy and Flood Action Plan that includes the following principles:

5. *A dedicated community manager available 24/7 and responsible for monitoring any potential flood threat, altering occupants and overseeing management procedures;*
6. *Prior to flood waters cutting road access to Maclean, persons who may require regular medical treatment would evacuate to Maclean or beyond whilst others remained onsite;*
7. *The development would be serviced with a fully equipped community clubhouse which could provide safe refuge for all site occupants (and other residents from the local area). This facility would have its floor above reach of the largest possible flood and be designed with backup power, food, water and shelter, to serve 'Parkside' and the local area during the probable maximum flood (which has a probability of occurrence of approximately 1 in 100,000 years).*

As stated in the original assessment, the site receives significant warning time during major flood events which generally occur in advance from upstream catchments. This will enable the evacuation of occupants (if necessary) well before the land is inundated by flood water.

- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

Comment

All dwellings will be located 500mm above the 1:100 year flood level (3.01m AHD) which in itself provides for one form of managing risk to life in the event of a flood. Additionally, through the combination of the implementation of the FEMP and relevant action plan, and significant warning time to the Yamba area during major flood events, it is considered that the development will incorporate appropriate measures to risk life in the event of a flood.

- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment

The site does not directly adjoin any riparian vegetation or riverbank or watercourse and is not located within an identified coastal erosion area. Therefore, the development will not adversely affect the environment or cause avoidable erosion, siltation or destruction of these natural elements.

- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*

Comment

The 'Lower Clarence Flood Model Update 2013' as adopted by Council Meeting on 18 March 2014 (Item No. 13.043/14) considered the impact of climate change and three scenarios were modelled:

- A 10% increase in rainfall with no sea level rise,
- A 10% increase in rainfall with a 0.4m sea level rise, and
- A 10% increase in rainfall with a 0.9m sea level rise.

The flood study used a very conservative assumption regarding elevated ocean levels of 2.6m AHD, which has been used since the original flood model was developed in 1988. The 2004 Flood Study review noted that, for coastal areas, high ocean levels in design flood events dominate flood behaviour, resulting in flat flood gradients with levels similar to the ocean levels. The Office of Environment and Heritage's (OEH) previous Coastal Risk Management Guide suggested the following 1 in 100 year ARI event still water ocean levels for use as planning benchmarks:*

2009 - 1.435m AHD 2050 - 1.775m AHD 2100 - 2.275m AHD

** Still Water Ocean Level is defined as Average water surface elevation at any instant, excluding local variation due to waves and wave set-up, but including the effects of tides and storm surges*

OEH is currently developing new guidance for Councils regarding appropriate sea levels to adopt, but it is likely that the recommended level will be lower than the 2.6m used in the model. The flood model will need to be re-evaluated when the new sea level recommendations are released.

In summary, in terms of impact on Lower Clarence flood levels the model's adopted level of 2.6m AHD includes predicted sea level rise up to at least 2100. As the land is already filled above this level and all dwellings will be located at the 1:100 year flood level plus freeboard (3.01m), the development is considered not to adversely impact on or be adversely impacted by changes to flooding behaviour as a result of climate change.

- (b) *the intended design and scale of buildings resulting from the development,*

Comment

The design and scale of the buildings being small two (2) bedroom moveable dwellings are considered to be compatible with the flood function and behaviour of the land. The dwellings will be located above the 1:100 year flood level (plus 500mm freeboard) and are moveable structures. Therefore, the design and scale of buildings are considered to be suitable for the land on which they are located.

In addition, the construction of the Community Centre above the PMF and is considered an acceptable form of refuge and is of suitable design and scale to cater for the Parkside community and other residents in the locality of the development site.

- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

Comment

As stated above under 5.21(2)(c), a FEMP has been prepared for the site providing a detailed action plan to be implemented as part of the ongoing operational management of the site. The FEMP incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of flood. The site receives significant warning time during major flood events which generally occur in advance from upstream catchments. This will enable the onsite manager to plan the evacuation of occupants (if necessary) well before the land is inundated by flood water. As stated above the majority of ground levels across the site exceed the 1:100 year flood level with all future dwellings to be located 500mm above the 1:100 year flood level.

A new draft condition of consent No. 77 to ensure that the development operates in accordance with the FEMP has been included to ensure that the timely, orderly and safe evacuation of people from the development site can be undertaken (if necessary). These measures ensure that adequate measures are in place for the safe occupation of, and evacuation from, the land in the event of a flood. The new draft condition is as follows:

77. The site must be operated and managed at all times in accordance with the Flood Emergency Management Plan prepared by Bewsher Consulting Pty Ltd and dated 30 June 2022, and/or any subsequent updates to this plan approved by Council.

The Flood Emergency Management Plan must be reviewed and updated every five (5) years in accordance with up-to-date flood data and consultation with the NSW State Emergency Services (SES), and following any flood event exceeding the 5% Annual Exceedance Probability.

Following any update of the FEMP required by this condition, the revised plan must be submitted to Council for review and approval.

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

Comment

The proposed dwellings are manufactured homes which means self-contained dwellings, being a dwelling that comprises one or more major sections. The major sections of each building are required to be designed to be relocatable and moveable which will allow for the potential relocation, modification or removal if the surrounding area is impacted by flooding or coastal erosion.

2. Stormwater Management and Ongoing Maintenance of Drainage Easement

In response to concerns raised by submitters and the minority reasons for refusal by members of the planning panel, and in addition to the FEMP, the applicant has further amended their stormwater drainage design to provide additional drainage along the top of the retaining wall adjacent to the southern site boundary. The diagram prepared by Newton Denny Chapelle as shown below in Figure 1 demonstrates that through alterations to the filled ground level, the primary flow of stormwater can be directed away from the perimeter drains and residents located on the southern boundary of the property currently.

The purpose of this additional drainage is to intercept flows from the earthworks batters and prevent them from going over the face of the wall and further reduce the stormwater runoff catchment feeding into the existing perimeter drain along the southern boundary of the development lot and further benefit the adjoining properties fronting Yamba Road.

The amended design is considered to provide a greater beneficial outcome than that originally proposed and is considered acceptable by Council's Development Engineer.

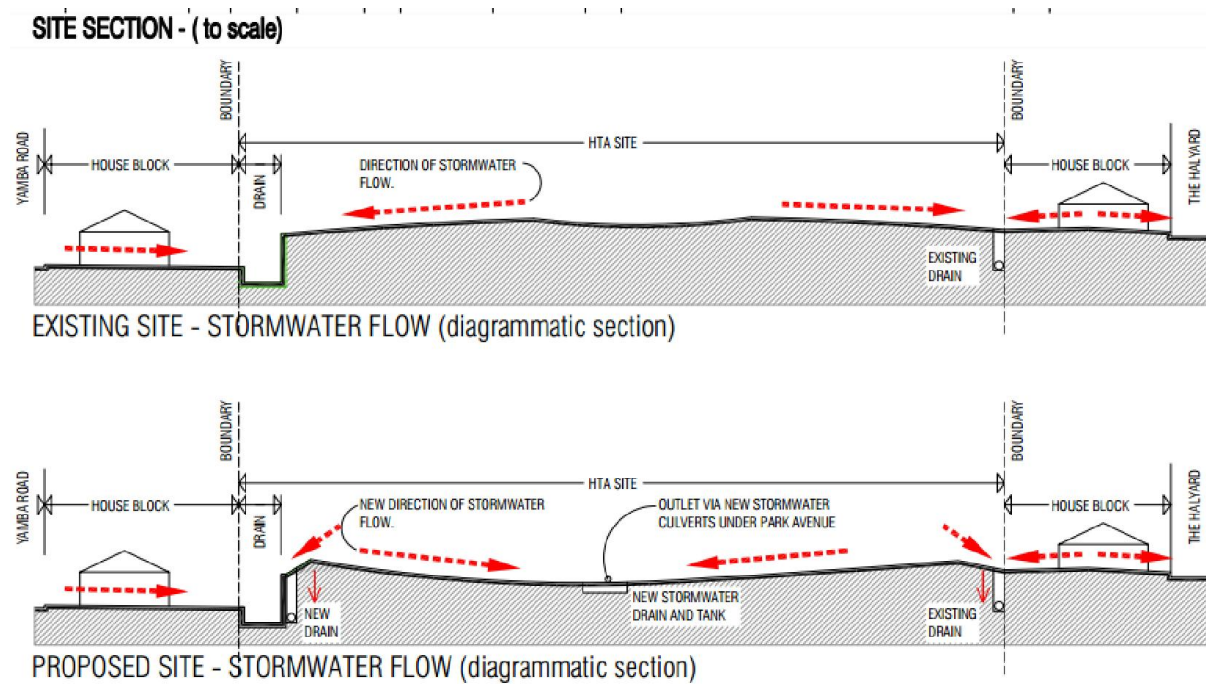


Figure 1 – Proposed Stormwater Flow Path Plan by JKH Build Design Drawing No. DA-21

In addition to the FEMP being prepared, the developer has also offered to install a pump system along the existing southern drainage line located at the rear of the lot to reduce the ponding of water within the drain and minimise nuisance retention after rain events. These systems will be the sole maintenance responsibility of the property owner. A suitable condition to this effect has been included as Condition 19 below:

19. Provision for a stormwater dish drain shall be made at the toe of earthworks batters along the southern boundary of the lot. This drain shall be provided generally in accordance with drawing 210217-DA-SW-02: *Proposed Southern Drainage Plan* prepared by *Newton Denny Chapelle* dated 30/09/2022.

In addition, a pump system shall be installed in the existing southern drainage line located at the rear of the lot to reduce ponding water within the drain and minimise nuisance retention after rain events. Detailed design of the stormwater systems shall be submitted for review and approval by Council or private certifier prior to commencement of works. These systems will be the sole maintenance responsibility of the property owner. The approved stormwater system shall be installed and operational prior to completion of Stage 1 of the development.

In consideration of the above improved stormwater drainage measures and commitment by the applicant to install pumps to ensure the ongoing management of the existing drainage easement along the southern boundary, Council staff are satisfied that the development will improve the existing stormwater drainage issues having a beneficial result to adjoining landowners.

3. Energy Efficiency of Dwellings

In response to questions raised at the initial Panel Meeting, the applicant has provided further clarification regarding the energy efficiency of the proposed dwellings. Although the Panel did not

require further assessment, the applicant took the liberty of engaging Collins W Collins (CWS) to prepare a BASIX and NatHERS assessment of a typical house type (Dwelling B) as a guide only i.e. not a compliance requirement for manufactured homes. A copy of the results and a cover letter prepared by CWS is provided as **Attachment 6**.

Given the dwellings are for manufactured homes, the applicant will be applying under section 68 of the *Local Government Act 1993* to install the homes. They are not legally required to obtain a Construction Certificate and as such, Council cannot impose conditions requiring the preparation of BASIX certification for each dwelling. However, the applicant has offered to provide the following commitments to provide greater energy efficiency than what is ordinarily required:

1. 2000L rainwater tank on each dwelling connected for reuse
2. Solar hot water system on each dwelling
3. Photovoltaic solar panels on at least 20% of dwellings in the community
4. Use of native vegetation as shown on our landscape plans submitted.

In response to the applicant's commitment, the following additional condition will be placed on the approval:

51. Any Local Government Act Section 68 application lodged with Council to install movable dwellings on the site shall be accompanied by an assessment prepared by a person accredited by the Assessor Accrediting Organisation confirming that the design of the dwellings will have a level of energy and water efficiency substantially equivalent to the current Basix energy and water efficiency requirements. If the dwellings do not meet the definition of a manufactured home/movable dwelling, then the dwellings will need to be the subject of a construction certificate application. Any subsequent application for a construction certificate for the dwellings will need to be accompanied by a Basix certificate in respect of each dwelling.

4. Other amendments

As part of the FEMP considerations, the applicant has also submitted amended architectural plans to reflect the raising of the Community Centre floor level to above the PMF (3.63m AHD).

The plans have also been amended to include a revised Site Section Drawing DA-17 and Drawing DA-21 'Proposed Stormwater Flow Path Diagrammatic' to demonstrate the inclusion of the new drain along the southern boundary of the site. The new drain will intercept flows from the earthworks batter and prevent them from going over the face of the wall.

The overall layout has not been fundamentally altered and all dwelling designs remain the same as originally submitted subject to improvements in relation to energy efficiency which is discussed in detail in Issue 3 above.

Amended and more detailed landscape plans have also been submitted and are included in the plan package for approval as per Condition 1 of the Draft Advices and Conditions contained in Schedule 1. The landscape plans are considered generally acceptable for the purposes of the application however Condition 71 still requires the submission of a fully detailed plan to be submitted with full list of endemic species as per Council standards.

b. Maintenance of existing drain

Concerns were raised within the submissions regarding the ongoing maintenance of the existing interallotment drainage line along the southern boundary of the land. As stated in the original report, Council acknowledges that the maintenance of this drain has been an ongoing issue for many years which has contributed to poor functionality of the drain.

As part of the amended application the applicant has committed to installing a pump system within the drain to ensure future ongoing maintenance and functionality of the onsite drainage networks (existing and proposed). The pump system will reduce the ponding of water within the drain and minimise nuisance water retention after rain events. These systems will be the sole maintenance responsibility of the property owner.

As contained in the original report, a detailed Stormwater Management Plan must be submitted which will include maintenance manuals for any WSUD systems and Stormwater Management Devices to be incorporated into the developments on going Maintenance Schedule. This shall include details of access to and maintenance of the existing stormwater drainage lines/pump systems on the site. The maintenance manuals must consider construction and operational phases. An appropriate condition of consent (No. 18) has been included in Schedule 1 – Draft Advices and Conditions.

c. Onsite stormwater detention

Concerns were raised within the submissions regarding the capacity of the onsite stormwater detention system. This was addressed as part of the original application in detail and it was determined that the onsite storage and network provision is adequate to accommodate stormwater runoff from the developed site during concurrent high tide and heavy rainfall events. This is detailed in the original Engineering Services Report prepared by Newton Denny Chapelle dated October 2021 which formed part of the attachments with the original report.

d. Traffic

As addressed in the original report, a Traffic Engineering Assessment Report was prepared by TTM dated 6 October 2021 addressing the traffic impacts on Park Avenue, Shores Drive and Yamba Road inclusive of intersections (copy of report in Attachments).

The traffic generated from the proposed development has been assessed based on a peak hour trip generation rate consistent with the Transport for New South Wales Technical Direction TDT 2013/04a.

A revised intersection analysis of the Park Avenue and Shores Drive intersection was also undertaken using acceptable traffic generation rates. This analysis showed that this intersection will continue to function as a level of service A for the 10 year forecast to 2033.

TTM also conducted traffic surveys and traffic forecasts for a 10 year horizon of the Yamba Road and Shores Drive roundabout. The assessment concluded that the roundabout, will continue to operate under levels of service (LOS) A and B as defined by Austroads Guidelines for intersection design during the opening year of the development. As stated within the TTM report, during the design year scenarios, the roundabout may experience LOS B and C conditions. These conditions are acceptable in accordance with the Austroads Guidelines as mentioned above. Council's assessing engineer supports the finding of the report.

The proposed development will result in an additional 1,100 vehicle trips per day along Park Avenue which has a 12.5m carriageway width which is adequate for a maximum traffic volume of 3000 vehicles per day in accordance with the Northern Rivers Design & Construction Guidelines (Table D.1.5).

Conclusion

After further assessment and consideration of the FEMP, stormwater design and submissions received since the original meeting, the development is recommended for approval as per the original report subject to the imposition of amended advices and conditions contained in Schedule 1. The amended advices and conditions have been reviewed and agreed to by the applicant.

The development is consistent with the objectives of the R3 zone and North Coast Regional Plan 2036 as it will provide for additional housing availability in a medium density environment. The proposed multi dwelling housing development is a good use of vacant R3 medium zoned land and as such, the site is considered suitable for the proposed multi dwelling housing development subject to the imposition of conditions relating to flood evacuation, stormwater management and ongoing maintenance of the existing drainage easement.

Schedule 1

Draft Advices and Conditions of Consent for DA2021/0558

Definitions

ET means an ‘equivalent tenement’. This is the demand or loading a development will have on infrastructure in terms of water consumption or sewage discharge for an average residential dwelling or house.

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

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises one or more major sections, and
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#), and includes any associated structures that form part of the dwelling.

major section means a single portion of a manufactured home or relocatable home—

- (a) containing a total living space of at least 20 cubic metres, excluding the living space contained in an associated structure, and
- (b) comprising the major components of the portion of the home, including the following—
 - (i) the chassis or frame,
 - (ii) the external and internal walls,
 - (iii) the roof and ceilings,
 - (iv) the floors, windows and doors,
 - (v) the internal plumbing and wiring,
 - (vi) the tiling,
 - (vii) the kitchen, bathroom and laundry fittings, other than stoves, refrigerators, washing machines and other white goods,
 - (viii) the built-in cupboards and cabinets.

NATA means National Association of Testing Authorities

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**.

NRDC the current civil engineering standards in accordance with the relevant parts of the following guidelines

- 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)
- e Sewerage Code of Australia (WSA 02 - 2002)
- f Water Supply Code of Australia (WSA 03 - 2002)
- g Pressure Sewerage Code of Australia (WSA 07-2007)
- h Clarence Valley Council ‘MUSIC’ Guidelines (Draft)
- i Clarence Valley Council Street lighting Strategy

AUS-SPEC documents can be obtained from a link under the ‘Planning & Building’ section of the Clarence Valley Council webpage. WSA documents are subject to copyright and may be obtained from the ‘Water

Services Association of Australia'. For 'MUSIC' guidelines and policy documents contact Council's development engineer.

PWC means Public Works Certificate and includes Section 138 approval under the *Roads Act 1993* and Section 68 approval under the *Local Government Act 1993*.

TCP means Traffic Control Plan in accordance with the **TfNSW** 'Traffic Control at Worksites' Technical Manual.

TfNSW means Transport for New South Wales.

WSUD means Water Sensitive Urban Design

Clarence Valley Council Development Control Plans include Sustainable Water Controls which identify the measures required in the various land use zones. Council endorses the Queensland 'Water By Design - Healthy Waterways' reference and technical guidelines for the design and construction of WSUD drainage systems.

The **WSUD** documents may be accessed via the 'Water-By-Design' web-site.

Advices

1. The following approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.
 - a Roads Act 1993 Sections 138 & 139 - approval for works on a road issued by Council and/or TfNSW;
 - b Local Government Act Section 68 - drainage, water & sewer approval;
 - c Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C

Application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

2. A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works. Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005.

Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.

Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.

3. A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of **NRDC** must be submitted to Council and/or accredited private certifier with the submission of the **PWC** application.

Approval of a **PWC** will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with current standards. Engineering plans for the **PWC** are required in electronic format to be confirmed with Council before lodgement.

4. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **PWC** has been issued by Council and/or accredited private certifier.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

5. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and 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 application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing additional 80.6 ET demand on Council's water supply, and an additional 101 ET loading on Council's sewerage system in accordance with the adopted Water Directorate Guidelines. This includes an applicable credit for pre-existing uses. The headworks charges at 2021/22 financial year rates are:

Water Headworks \$5,017.00 x 80.6 additional ET	= \$ 404,370.20
Sewer Headworks \$12,269.00 x 101 additional ET	= 1,239,169.00

Category:	Water ET	Sewer ET
Dwelling – 2 Bedroom	0.60	0.75

The contribution(s) amounts 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 indexed in accordance with Consumer Price Index (CPI) current at the time of payment.

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.

6. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
7. 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. 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 Construction Certificate Application form.
8. The Earthworks Management Plan 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. Fill imported to the site must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
- 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 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 for the full site as a minimum with details of the earthworks for a particular stage lodged with the construction certificate application for that stage.
- c Compatible with the works plans and the approved Stormwater Management Plan.

The following information will be required for earthworks undertaken:

- 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.

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.

- 9. No construction is to be commenced until a Construction Certificate has been issued.

10. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
11. All community buildings and facilities shall be accessible in accordance with the requirements of Part D3 of the Building Code of Australia.
12. Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.
13. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
14. 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.
15. The submission of a further Development Application will be required for any further extension of development on the site.

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

Plan No	Drawn by	Title	Plan Date	Revision
DA-01	JKH Build Design	Site Masterplan	23/9/2021	05
DA-02	JKH Build Design	Site Entry Area Plan	23/9/2021	02
DA-03	JKH Build Design	Roof Plan	23/9/2021	02
DA-04	JKH Build Design	Resident Clubhouse Building Plan	8/6/2022	03
DA-05	JKH Build Design	Resident Clubhouse External Elevations	8/6/2022	02
DA-06	JKH Build Design	Resident Clubhouse Section	8/6/2022	02
DA-07	JKH Build Design	Exhibition Home (Sales Office)	5/7/2021	01
DA-08	JKH Build Design	Managers Office	5/7/2021	01
DA-09	JKH Build Design	Residential Land Lease Site Concept House Type A	24/9/2021	03
DA-10	JKH Build Design	Residential Land Lease Site Concept House Type B	24/9/2021	03
DA-11	JKH Build Design	Residential Land Lease Site Concept House Type C	24/9/2021	03
DA-12	JKH Build Design	Residential Land Lease Site Concept House Type D	24/9/2021	03
DA-13	JKH Build Design	Shed Details	23/9/2021	02
DA-14	JKH Build Design	Staging Plan and Construction Access	23/9/2021	02
DA-15	JKH Build Design	Community Amenity and Landscape Area	23/9/2021	04
DA-16	JKH Build Design	Waste Management Plan	23/9/2021	02

DA-17	JKH Build Design	Site Sections	14/6/2022	04
DA-18	JKH Build Design	Residential Land Lease Site Concept House Type E	24/9/2021	01
DA-19	JKH Build Design	Residential Land Lease Site Concept House Type F	24/9/2021	01
DA-20	JKH Build Design	Site Masterplan House Type Matrix	23/9/2021	05
DA-21	JKH Build Design	Proposed Stormwater Flow Path - Diagrammatic	14/6/2022	02
LDA000	Studio 51	Coverpage	14/6/2022	02
LDA100	Studio 51	Landscape Site Plan	10/6/2022	02
LDA101	Studio 51	Landscape Plan 1	10/6/2022	02
LDA102	Studio 51	Landscape Plan 2	10/6/2022	02
LDA103	Studio 51	Landscape Detailed Plan 01	08/6/2022	01
LDA104	Studio 51	Landscape Detailed Plan 02	10/6/2022	02
LDA105	Studio 51	Landscape Detailed Plan 03	08/6/2022	02
LDA106	Studio 51	Landscape Detailed Plan 04	08/6/2022	01
LDA107	Studio 51	Landscape Detailed Plan 05	10/6/2022	02
LDA108	Studio 51	Landscape Detailed Plan 06	10/6/2022	02
LDA109	Studio 51	Landscape Detailed Plan 07	10/6/2022	02
LDA110	Studio 51	Typical Residential Site Landscape Plan	14/6/2022	02
LDA200	Studio 51	Landscape Sections 01	08/6/2022	01
LDA201	Studio 51	Landscape Sections 02	10/6/2022	02
LDA202	Studio 51	Landscape Sections 03	08/6/2022	01
LDA300	Studio 51	Landscape Planting Palette	14/6/2022	03

2. Payment to Council of the contributions pursuant to Section 7.11 of the Environmental Planning and Assessment Act:

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Rate per other Residential Accommodation dwelling

Coastal \$2,718.60x 135 = \$367,011 GL S94CVCOSCoastal

Clarence Valley Contributions Plan 2011 Community Facilities

Rate per other Residential Accommodation dwelling

Maclean surrounds \$2,718.60x 135 = \$367,011 GL S94CVCCFMaclean

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling \$51.25 x 135 = \$6,918.75

GL S94CVCPoMResAcco

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

West Yamba (existing) \$1,461.25 x 135 = \$197,268.75 GL S94YBPWestYambaER

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 to be paid to Council prior to issue of the release of the section 68

approval to install dwellings for each stage of the development.

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.

Engineering Conditions

3. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Occupation Certificate or commencement of use, for each and every stage of the development. This may require payment of a fee.
4. The developer must bear all costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
5. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
6. The developer must design and construct all civil works, in accordance with **NRDC** and the approved plans. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of any Occupation Certificate or commencement of use, whichever occurs first. The Council will hold a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.

Prior to commencement of works or issue of any Building Construction Certificate, a practising qualified engineer experienced in structural design and soil mechanics is required to verify the on-site civil engineering works:

- a including earthwork batters and retaining walls, have been designed to be structurally adequate.
 - b will not be affected by landslip either above or below the works.
 - c will not be affected by subsidence either above or below the works
 - d includes adequate drainage to ensure the stability of the development
7. An **ITP** must be submitted for approval with the application for a **PWC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
- b Erosion & Sedimentation Controls
- c Earthworks

- d Roadworks
 - e Stormwater Drainage
 - f Sewer
 - g Water
 - h Other Services
 - i 'On Maintenance' (Public Infrastructure)
 - j Practical Completion (Works on Private Property)
 - k 'Off Maintenance' (Acceptance of Public infrastructure by Council)
8. Prior to the issue of any Occupation Certificate or commencement of use, whichever occurs first, 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.
9. A **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 be prepared by a person authorised by the **TfNSW** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
10. The contractor engaged to undertake the construction works shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community. As a minimum, the CMP must address the following areas:
- Health and Safety**
- a Public safety, amenity and site security;
 - b Traffic Control and Management;
 - c Pedestrian management;
 - d Construction hours;
 - e Noise control (All reasonable and feasible mitigation measures must be applied to reduce the potential noise and air quality impacts to sensitive receivers as a result of the construction of the proposal);
 - f Contractor vehicle parking;
 - g Locating existing utilities and services
 - h Health and Safety requirements.
- Environment**
- a Air quality management;
 - b Erosion and sediment control- base information, monitoring and management;
 - c Waste management;
 - d Material stockpiling;
 - e Vegetation management;
 - f No go zones;
 - g Soil Contamination - an Unexpected Find Procedure/s in the unlikely event that Asbestos Containing Material or Contamination is discovered, disturbed or occurs during the works;
 - h Heritage management including an Unexpected Find Procedure/s in the unlikely event that any items of Aboriginal or non-Aboriginal Heritage is discovered, disturbed or occurs during the works;
- Quality**
- a Submission of current insurance certificates;
 - b Work method description;
 - c Construction equipment to be used;
 - d Inspection and testing requirements;

- e Earthworks methodologies;
- f Haulage routes;
- g Retaining structure construction methodologies;
- h Concrete jointing methodologies;
- i Subsoil drainage installation methodologies;
- j Stormwater drainage infrastructure installation methodologies;
- k Stormwater Quality Improvement Device installation methodologies
- l Road construction methodologies;
- m Access ways and footway construction methodologies;
- n Landscaping installation methodologies;
- o Utility and services installation methodologies
- p Construction and installation methodologies of other structures not otherwise covered above.

All works on site shall be undertaken in accordance with the approved CMP. The Unexpected Finds Procedure/s must be implemented during ground disturbance and earthworks activities. All site personnel must be tool boxed on the Unexpected Finds Procedure/s.

Associated **TCPs** must be prepared by a person authorised by **TfNSW** to prepare **TCPs**.

The approval of Council under the Roads Act 1993 is required for construction works within and occupation of, the road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.

11. 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 **PWC**.
12. A detailed Water Reticulation Design Plan must be submitted for assessment and approval by Council, prior to the issue any Building Construction Certificate or **PWC**. This shall include an assessment of the existing water supply to ensure sufficient flows are available for the proposed development including fire fighting flows as per AS 2419.

Connection to the public water reticulation system requires the approval of Council under the NSW Local Government Act.

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.

13. A single property service with a single meter servicing the whole property shall be installed. Council recommends individual isolation valves be installed on each dwelling unit. Privately owned water meters may be installed within the property, but such private meters will be the responsibility of the property and will not be read or maintained by Council. The single Council water meter shall be supplied and installed by Council upon payment of the applicable water connection fee in the fees and charges and shall be located in an accessible location at the property boundary for maintenance and reading purposes.
14. A Sewerage Reticulation Design plan must be submitted for approval prior to issue of any Building Construction Certificate/with the application for a **PWC**.

The maximum peak wet weather flow permitted to discharge the site is 6.52L/s. Sufficient detailed analysis shall be provided to Council to demonstrate that the proposed development does not exceed the maximum allowable peak wet weather flow.

If the development exceeds the maximum peak wet weather flow specified, an analysis of the downstream affected sewerage reticulation network must be undertaken to determine the extent of upgrading required so that the downstream sewerage network has sufficient capacity to accept flows from the development.

Any upgrade to the existing sewerage network system, to Council's satisfaction, will be the sole responsibility of the applicant and will require approval under a Public Works Certificate. All cost shall be borne by the applicant.

Connection to the public sewerage reticulation system requires the approval of Council under the NSW Local Government Act.

15. Preliminary road pavement designs must be submitted to Council as part of the **PWC** application for remedial works within Park Avenue. Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.

Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm for all roads. Details of the bitumen spray-seal designs are to be submitted to Council for approval prior to sealing.

Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act.

16. Concrete footpaths are to be provided from the development to the existing footpath in Park Avenue and Shores Drive, in accordance with NRDC, Clarence Valley Council - Bike Plan and Pedestrian Access and Mobility Plan, AS1428 and AS2890. Footpath design shall match existing widths where relevant to Park Avenue and Shores Drive.

Detailed plans are to be provided for the site and connection to exiting facilities in Shores Drive and Park Avenue (west) for approval as part of the application for **PWC**. Plans must consider the privacy of existing residences located adjacent the new footpath through Wattle Park and should include landscaping/fencing, where required, to limit the potential for overlooking.

17. A pavement condition report is to be provided for Park Avenue (East), Shore Drives (between Park Avenue and Yamba Road) and the Park Avenue/Shores Drive intersection. The report must be completed by a suitably qualified engineer and/or Geotechnical Testing Authority, and is to be submitted to Council prior to the issue of the **PWC**. 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.

Payment of a bond is required to ensure maintenance of the abovementioned road prior to commencement of works. The bond amount shall be determined by a suitably qualified engineer and/or Geotechnical Testing Authority and is to be submitted to Council for acceptance and approval. Should the pavement condition become unsafe, Council may provide maintenance without notice. Note: Council will endeavour to contact the applicant whenever Council considers maintenance is required. Any maintenance works carried out by Council, will be met at the full cost of the applicant.

18. 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 must be prepared to reflect these standards and guidelines. The Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC** and submitted to Council for approval prior to the issue of any Building Construction Certificate.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to issue of the **PWC**. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

The Stormwater Management Plan must include maintenance manuals for any WSUD systems and Stormwater Management Devices to be incorporated into the development Maintenance Schedule. This shall include details of access to and maintenance of the existing stormwater drainage lines on the site. The maintenance manuals must consider construction and operational phases

On-site detention (OSD) and water quality control systems for the development need not be provided until a building is occupied on the lot, but the Stormwater Management Plan must demonstrate **NorBe** by calculation and details acceptable to Council.

19. Provision for a stormwater dish drain shall be made at the toe of earthworks batters along the southern boundary of the lot. This drain shall be provided generally in accordance with drawing *210217-DA-SW-02: Proposed Southern Drainage Plan* prepared by *Newton Denny Chapelle* dated 30/09/2022.

In addition, a pump system shall be installed in the existing southern drainage line located at the rear of the lot to reduce ponding water within the drain and minimise nuisance retention after rain events. Detailed design of the stormwater systems shall be submitted for review and approval by Council or private certifier prior to commencement of works. These systems will be the sole maintenance responsibility of the property owner. The approved stormwater system shall be installed and operational prior to completion of Stage 1 of the development.

20. The property is affected by flooding of the Clarence River. The 'Lower Clarence Flood Model Update 2013' was adopted by Council Resolution 13.043/14 on 18 March 2014. 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.

All works are to minimise the adverse effects of flooding in accordance with the relevant parts of the Clarence Valley Council Development Control Plans and **NRDC**.

21. An easement is to be created to provide for conveyance of existing inter-allotment 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.
 - d Easement widths must be in accordance with **NRDC**.

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

22. Prior to the release of any Occupation Certificate or commencement of use, whichever occurs first, which dedicates additional 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.
23. In accordance with **NRDC** and prior to the release of any Occupation Certificate or commencement of use, whichever occurs first, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.

Where sewer works are involved the **WAE** must include sewer junction sheet records in accordance with the requirements of Clarence Valley Council.

24. Prior to release of any Occupation Certificate or commencement of use, whichever occurs first, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development

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 material or construction work compliance reasons.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the 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. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.

25. Prior to release of any Occupation Certificate or commencement of use, whichever occurs first, the pedestrian pathway / cycleway / development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and 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 Construction Certificate.
26. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plans and made available thereafter. Internal parking and access is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All vehicular access within the site must be accessible by B99 vehicles.
27. 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 any Building Construction Certification.

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.

28. 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**.
29. Prior to release of any Occupation Certificate or commencement of use, whichever occurs first, for

any stage, certification from the Geotechnical Inspection And Testing Authority who undertook Level 1 inspection and testing, will be required confirming that each lot is suitable for the intended purpose. All testing as required in AS3798 and NRDC must be submitted.

30. A Works-As-Executed plan prepared by a registered surveyor, showing both original levels and finished surface levels after filling material has been placed on the site and compacted, is to be submitted to and approved by Council or accredited private certifier prior to the issue of any Occupation Certificate or commencement of use, whichever occurs first..
31. Any excavation resulting in disturbance of more than one tonne of soil at any depth below natural ground surface or work that is likely to lower the watertable, shall comply with the Acid Sulfate Soils Management Plan prepared by HomeTown Australia dated 7 March 2022.
32. 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 any Building 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 principal geotechnical professionals who will be certifying the design and construction, insurances held and any other relevant material.
33. 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. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued or commencement of use, whichever occurs first, or the development is accepted 'Off Maintenance'.
34. A detailed Erosion and Sediment Control Management Plan for each stage of the development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue any Building Construction Certificate or **PWC** for the relevant stage. 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 such remedial works are to be completed to the satisfaction of Council or accredited private certifier. This shall include **WSUD** components of the proposed drainage system.
35. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
36. 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.
37. 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 civil works. 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 in with the inspection and maintenance procedures. Control measures are to 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 full 24 hour per day contact details.

Building Conditions

39. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.
40. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:

7.00 am to 6.00 pm Monday to Friday

8.00 am to 1.00 pm Saturdays

No work permitted on Sundays and public holidays

The builder is 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.

41. **Site Safety Management** Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

42. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:

- a Preserve and protect the building from damage; and
- b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

43. 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 certifier for the work.

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

44. **Toilet Facilities** are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a A standard flushing toilet, connected to a public sewer, or
- b An approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 45. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
- 46. All building work shall be constructed wholly within the boundaries of the property. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
- 47. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate or commencement of use, whichever occurs first..
- 48. The sales office shall be constructed to be accessible and contain accessible sanitary facilities in accordance with the requirements of part D3 of the Building Code of Australia.
- 49. The design and construction of the moveable dwellings/manufactured homes shall fully satisfy the relevant requirements contained within the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2021 NSW which shall include the following:

Division 4 of Part 3 (clauses 133 – 136 excepted)

- a) The manufactured homes/movable dwellings shall comprise only one or more major sections that can be easily assembled/installed on the respective sites.
 - b) The manufactured homes/movable dwellings shall be designed and constructed in a manner that enables portability to the respective sites and relocation to another site if required without any significant deconstruction being necessary (i.e. they will need to be either on a chassis or contain sufficient internal rigidity to enable portability in one or more major sections between sites).
- 50. An approval from Council under Section 68 of the Local Government Act shall be obtained to install individual manufactured homes/movable dwellings on each the site if it can be demonstrated that the dwellings satisfy the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2021*.
 - 51. Any Local Government Act Section 68 application lodged with Council to install movable dwellings on the site shall be accompanied by an assessment prepared by a person accredited by the Assessor Accrediting Organisation confirming that the design of the dwellings will have a level of energy and water efficiency substantially equivalent to the current Basix energy and water efficiency requirements. If the dwellings do not meet the definition of a manufactured home/movable dwelling, then the dwellings will need to be the subject of a construction certificate application. Any subsequent application for a construction certificate for the dwellings will need to be accompanied by a Basix certificate in respect of each dwelling.

52. A Construction Certificate shall be obtained in respect of all buildings on the site that are not exempt development, or, are not defined as relocatable homes under the Local Government Manufactured Homes Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2021 Regulation.
53. A system of fire hydrants must be installed to conform to AS 2419 and requirements of NSW Fire and Rescue is to be provided throughout the development to service future dwelling units in addition to hydrants which may be necessary to service buildings under the National Construction Code. Such a system is to be approved in principle prior to issue of any construction certificate or Section 68 approval under the Local Government Act and is to be operative at the time of issue of any Occupation Certificate or prior to occupation of any dwelling that is subject of a Section 68 approval.
54. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council. If Council is not nominated as the Principal Certifying Authority.

A further copy of the certificate must also be prominently displayed in the building.

At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:

- a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
54. The building work involving the installation, modification or extension of a **relevant fire safety system** cannot commence unless:
 - a plans have been submitted to Council as the principal certifying authority that show:
 - i in the case of building work involving the installation of the relevant fire safety system-the layout, extent and location of key components of the **relevant fire safety system**, or
 - ii (ii) in the case of building work involving the modification or extension of the relevant fire safety system-the layout, extent and location of any new or modified components of **the relevant fire safety system**, and
 - b specifications have been submitted to Council as the principal certifying authority that:
 - i describe the basis for design, installation and construction of the **relevant fire safety system**, and
 - ii identify the provisions of the Building Code of Australia upon which the design of the system is based, and
 - c those plans and specifications:
 - i have been certified by a compliance certificate referred to in section 6.4 (e) of the Act as complying with the relevant provisions of the Building Code of Australia, or
 - ii have been endorsed by a competent fire safety practitioner as complying with the relevant provisions of the Building Code of Australia.

relevant fire safety system means any of the following:

- a a hydraulic fire safety system including:
 - i a fire hydrant system (including street hydrants) or
 - ii a fire hose reel system, or
 - iii a sprinkler system (including a wall-wetting sprinkler or drencher system), or
 - iv any type of automatic fire suppression system of a hydraulic nature,
- b a fire detection and alarm system,
- c a mechanical ducted smoke control system.

The principal contractor for building work must ensure that the most recently endorsed copy of the plans and specifications for any **relevant fire safety system** for the building that were required to be submitted to the principal certifying authority:

- a are kept on the site of the building work, and
- b are made available for inspection on request by the certifying authority, consent authority, council and Fire and Rescue NSW at the times during which the building work is carried out.

- 55. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 3.01 metres Australian Height Datum (AHD).

Swimming Pool

- 56. The installation and maintenance of the swimming pools child resistant barrier shall comply with the requirements of the Swimming Pools Act 1992 and AS 1926.1 -2012 and be fitted with a self-closing, self-latching, outward opening gate prior to filling the pool with water. No plantings or climbable items shall be positioned within the 900mm non-climb zone (NCZ) on the outside of the pool fence or within the 300mm NCZ on the inside of the pool fence.
- 57. Any external pool lighting is to be positioned and/or shielded to prevent a glare nuisance.
- 58. The swimming pool/spa pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - a before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
 - b before 7.00 am or after 8.00 pm on any other day.
- 59. Temporary fencing that complies with AS 1926.1 shall be provided around the pool if the permanent fencing cannot be installed before the pool is filled.
- 60. The swimming pool water recirculation and filtration system must comply with AS 1926.3-2010. The installation contractor shall provide Council with an Installation Certificate attesting to the products being selected and installed in accordance with the requirements of that standard.
- 61. The Principal Certifier shall be notified for the purpose of a final inspection of the pool and fencing as soon as possible after installation and before use of the pool.
- 62. The swimming pool waste water is to be disposed of to the sewer via a surcharge gully with a minimum 100mm air gap between the waste outlet and the top of the gully surrounds.
- 63. An approved CPR and pool safety sign is to be provided within the pool enclosure in accordance with the requirements of the Swimming Pools Act 1992 prior to the final inspection.

64. The pool shall be registered on the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au before issue of an Occupation Certificate.

Trade Waste

65. Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.
66. An application to discharge liquid trade waste to Council's sewerage system shall be submitted for assessment with the Construction Certificate application. Detailed trade waste drainage plans shall be submitted with the application.
67. All sinks and floor wastes in food preparation areas shall contain basket arrestors.
68. All liquid trade waste from the kitchen shall discharge through a 1000L grease arrestor. The grease arrestor shall be installed in accordance with AS/NZS3500, the plumbing code of Australia and Council requirements. It shall be located in an area accessible for the pump out contractor.
69. Chemical and oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.
70. Pool filter backwash shall be collected in a holding tank and be discharged into the sewerage system at a controlled rate.

Landscaping

71. The landscape concept plan submitted with the DA is acceptable. A detailed landscaping plan is to be submitted to Council for approval prior to the release of the Construction Certificate. This plan must comply with the requirements of Council's Residential Development Control Plan and is to indicate:
- a The type of plants to be used (i.e. Shrubs, trees groundcovers, including species if known).
 - b The purpose of each planting (i.e shade, privacy etc).
 - c The edge treatment proposed where garden beds abut grass.
 - d A maintenance programme for the initial 6 months after planting.
72. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued or prior to occupation of any dwelling that is subject of a Section 68 approval.
73. The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.

General

74. Development Application SUB2014/0007 must be surrendered prior to issue of any Construction Certificate.
75. A dilapidation report is required for all dwellings that adjoin the site in Park Avenue (East and West).
76. Privacy screening or enclosed fencing must be installed along the boundary of the site in any

location where there is the potential to overlook adjoining dwellings.

Flood Emergency Management Plan

77. The site must be operated and managed at all times in accordance with the Flood Emergency Management Plan (FEMP) prepared by Bewsher Consulting Pty Ltd and dated 30 June 2022, and/or any subsequent updates to this plan approved by Council.

The FEMP must be reviewed and updated every five (5) years in accordance with up-to-date flood data and consultation with the NSW State Emergency Services (SES), and following any flood event exceeding the 5% Annual Exceedance Probability.

Following any update of the FEMP required by this condition, the revised plan must be submitted to Council for review and approval.