

Schedule 1
Draft Advices and Conditions of Consent for SUB2023/0001

In addition to the conditions of the development consent, the following advisory notes may be relevant for a person involved in carrying out the development approved under the consent and should be read in conjunction with the Notice of Determination

The advisory notes do not form part of the development consent. However, they provide information on how the obligation to lawfully carry out the approved development can be met.

General Advice

Section 64 Contributions

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 the 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 an additional 279.4 ET demand on Council's water supply, and an additional 279 ET loading on Council's sewerage system. This includes an applicable credit for pre-existing uses. The headworks charges at 2023/24 financial year rates are:

West Yamba Water Headworks \$6,369.00 x 279.4 additional ET = \$1,779,498.60

West Yamba Sewer Headworks \$15,060.00 x 279 additional ET = \$4,201,740.00

Note: Lots over 2,000m² will attract 1.2 ET demand for water, all other lots will attract 1.0 ET per lot.

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 indexed in accordance with Consumer Price Index (CPI) 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.

Subdivision Certificate Application

A Subdivision Certificate fee is charged for the endorsement of subdivision plans. Fees for the 2023/24 financial year are \$271.85 plus \$32.00 per additional lot (minimum \$271.85). An additional fee of \$123.45 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.

Conditions

General

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan Title	Revision number	Plan No	Drawn by	Date of plan
Road Hierarchy, Staging Plan & General Notes Sheet 01	D	33801-PR2-005	Mortons Urban Solutions	9 May 2023
Road Hierarchy, Staging Plan Sheet 02	E	33801-PR2-006	Mortons Urban Solutions	9 May 2023
Bulk Earthworks, Cut and Fill Plan Sheet 01	D	33801-PR2-040	Mortons Urban Solutions	9 May 2023
Bulk Earthworks, Cut and Fill Plan Sheet 02	E	33801-PR2-041	Mortons Urban Solutions	9 May 2023
Grading and Retaining Wall Plan Sheet 01	E	33801-PR2-060	Mortons Urban Solutions	9 May 2023
Grading and Retaining Wall Plan Sheet 02	F	33801-PR2-061	Mortons Urban Solutions	9 May 2023
Retaining Wall Details	B	33801-PR2-070	Mortons Urban Solutions	22 August 2022
Final Surface and Sediment and Erosion Plan Sheet 01	E	33801-PR2-080	Mortons Urban Solutions	9 May 2023
Final Surface and Sediment and Erosion Plan Sheet 02	E	33801-PR2	Mortons Urban Solutions	9 May 2023
Combined Service Plan Overall Plan	F	33801-PR2-090	Mortons Urban Solutions	9 May 2023
Combined Services Plan Sheet 01	E	33801-PR2-091	Mortons Urban Solutions	9 May 2023
Combine Services Plan Sheet 02	F	33801-PR2-092	Mortons Urban	9 May 2023

			Solutions	
Proposal Plan Lot Layout Sheet 01	F	33801-PR2-800	Mortons Urban Solutions	31 March 2023
Proposal Plan Lot Layout Sheet 02	F	33801-PR2-801	Mortons Urban Solutions	31 March 2023
Proposal Plan Lot Mix Sheet 01	E	33801-PR2-802	Mortons Urban Solutions	12 December 2022
Proposal Plan Lot Mix Sheet 02	E	33801-PR2	Mortons Urban Solutions	12 December 2022

Approved documents

Document title	Version number	Prepared by	Date of document
Stormwater Management Plan & Downstream Drainage Assessment	V4	Biome	15 June 2023
Acid Sulfate Soils Assessment	N/A.	Regional Geotechnical Solutions	5 March 2020
NSW Rural Fire Service Bushfire Safety Authority	N/A.	NSW Rural Fire Service	23 January 2024
NSW Department of Planning and Environment – Water – General Terms of Approval	N/A.	NSW Department of Planning and Environment - Water	13 December 2023
Site Contamination Assessment and Addendum	N/A.	Regional Geotechnical Solutions	10 March 2020 and August 2022
Stage 1 and 2 Site Contamination Assessment	1	Regional Geotechnical Solutions	23 August 2023
Biodiversity Development Assessment Report	V5	GeoLink	21 July 2023
Vegetation Management Plan Lot 46	Fourth	GeoLink	21 July 2023
Vegetation Management Plan Lot 47	Third	GeoLink	21 July 2023
Revised Traffic Impact	003	Bitzios	8 May 2023

Assessment			
Landscaping Plan	E	Zone Landscape Architects	22 November 2023
Shared Concept Shared Pathway Plan	B	Mortons Urban Solutions	20 December 2022

In the event of any inconsistency between the approved plans and documents, the approved documents prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. **Staging Plan**

The development is to occur in accordance with the staging plan number 33801-PR2-005 and 33801-PR2-006 (Revision D) prepared by Mortons Urban Solutions dated 9 May 2023, or as otherwise approved by Council.

Condition reason: To ensure the development occurs in a logical manner.

3. **Road Network Design Plan**

All design, construction and certification of works is to be in accordance with the Northern Rivers Development and Design Manual (**NRDC**).

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

4. **Electrical Easements**

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

Condition reason: To ensure the development occurs in a logical manner.

Demolition Work

Before Demolition Work Commences

5. **Dial Before you Dig**

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Condition reason: to comply ensure work is carried out in safe manner

6. **Asbestos removal signage**

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason: To alert the public to any danger arising from the removal of asbestos.

7. **Demolition management plan**

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must

be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, and must include the following matters:

- a The proposed demolition methods
- b The materials for and location of protective fencing and any hoardings to the perimeter of the site
- c Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
- d Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- e Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's relevant Development Control Plan.
- f Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- g Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
- h Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- i Details of any bulk earthworks to be carried out
- j Details of re-use and disposal of demolition waste material in accordance with Council's Residential Zones Development Control Plan
- k Location of any reusable demolition waste materials to be stored on-site (pending future use)
- l Location and type of temporary toilets onsite
- m A garbage container with a tight-fitting lid

Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site

8. **Disconnection of services before demolition work**

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: To protect life, infrastructure and services

9. **Hazardous material survey before demolition**

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- a the location of all hazardous material throughout the site
- b a description of the hazardous material
- c the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
- d an estimation of the quantity of each hazardous material by volume, number,

- surface area or weight
- e a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
- f identification of the disposal sites to which the hazardous materials will be taken
- g Details contained within 6 of the Stage 2 Site Contamination Assessment dated 20 March 2020 prepared by Regional Geotechnical Solutions.

Condition reason: To require a plan for safely managing hazardous materials

10. **Notice of commencement for demolition**

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a name,
- b address,
- c contact telephone number,
- d licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- e the contact telephone number of council and
- f the contact telephone number of SafeWork NSW (4921 2900).

Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries

11. **Site preparation**

Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:

- a Protective fencing and any hoardings to the perimeter on the site
- b Access to and from the site
- c Construction traffic management measures
- d Protective measures for on-site tree preservation and trees in adjoining public domain
- e Onsite temporary toilets
- f A garbage container with a tight-fitting lid

Condition reason: To protect workers, the public and the environment

During Demolition Work

12. **Working Construction Hours**

Working hours on construction or demolition shall be limited to the following:

- i 7.00am to 6.00pm Monday to Friday
- ii 8.00am to 1.00pm Saturdays
- iii No work permitted on Sundays and public holidays

Condition reason: To protect the amenity of the surrounding area

13. **Site Safety Management**

Building equipment and/or materials shall be contained wholly within the site and 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.

Condition reason: To ensure site management measures are implemented during

the carrying out of site work

14. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- i Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
- ii Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- iii Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally

15. Site maintenance

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- i Protective fencing and any hoardings to the perimeter on the site
- ii Access to and from the site
- iii Construction traffic management measures
- iv Protective measures for on-site tree preservation and trees in adjoining public domain
- v Onsite temporary toilets
- vi A garbage container with a tight-fitting lid

Condition reason: To protect the amenity of the surrounding area

On Completion of Demolition Work

16. Waste disposal verification statement

On completion of demolition work:

- i a signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- ii if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work
- iii Should asbestos be encountered during demolition works, validation soil sampling it to be undertaken for the presence of asbestos from within the former dwelling footprints and provided to Council. Any remedial works contained therein are to be completed to the satisfaction of Council.

Condition reason: To protect the amenity of the surrounding area

Subdivision Work

Before Issue of a Subdivision Works Certificate

17. Integrated Development Approval

The development is to comply with the Integrated Development Approval granted under Section 4.47 of the *Environmental Planning and Assessment Act 1979* as contained in the correspondence from NSW Rural Fire Service, letter dated 23

January 2024, consisting of five (5) pages and Department of Planning and Environment – Water letter dated 12 April 2023, consisting of four (4) pages and as attached to this Notice of Determination. A suitably qualified person/s is to certify compliance with any General Terms of Approval or Permit or License by an approval body and provide copies of any approvals, permit or license to Council prior to issue of the Subdivision Works Certificate.

Condition reason: To comply with legislative requirements

18. **Design Certification Report**

A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of the Northern Rivers Local Government Development Design and Construction Manual must be submitted to Council and/or accredited private certifier with the submission of the Subdivision Works Certificate application.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

19. **Water Reticulation Design Plan**

A detailed Water Reticulation Design Plan must be submitted for approval with the application for a Subdivision Works Certificate to extend Council's reticulated water network to service the development in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and the Northern Rivers Local Government Development Design and Construction Manual.

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.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

20. **Water Reticulation Design Plan**

Prior to issue of the Subdivision Works Certificate for each stage of the development, pressure tests on internal reticulated water mains shall be completed to ensure sufficient flows are available for the proposed development including firefighting flow in accordance with AS2419 requirements.

If at any point water pressure falls below these requirements, looped connection back to the ring main shall be detailed in accordance with the Water Supply and Sewer Servicing Strategy prepared by HunterH2O Rev G, July 2019.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

21. **Water Reticulation Design Plan**

Prior to issue of the Subdivision Works Certificate for Stage 1, plans shall detail the water main extension, from the existing water main on Carrs Drive to the Road 2 intersection. The internal reticulated water network servicing the development shall be provided from this water main extension.

This water main shall be sized in accordance with the Water Supply and Sewer Servicing Strategy prepared by HunterH2O Rev G.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

22. **Sewerage Reticulation Design Plan**

A Stage Specific Sewerage Reticulation Design Plan must be submitted for approval with the application for a Subdivision Works Certificate to extend Council's reticulated sewerage network to service the development in accordance with the requirements and specifications of the Clarence Valley Council Sewer and Water Connection Policy and the Northern Rivers Local Government Development Design and Construction Manual.

Connection to the public sewerage reticulation system requires the approval of Council under the *NSW Local Government Act 1993*.

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

Condition reason: To comply with Council's Sewer and Water Development Services Plan

23. **Road Network Design Plan**

A Road Network Design Plan must be submitted for approval with the application for a Subdivision Works Certificate Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.

Works to and on public road reserve requires the approval of Council or other Roads Authority under the *NSW Roads Act 1993*.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

24. **Carrs Drive Upgrade**

Prior to issue of the Subdivision Works Certificate for Stage 1, plans shall nominate the following upgrade works to Carrs Drive:

- i. 11m wide carriageway (kerb invert to kerb invert).
- ii. 2m wide sealed shoulders.
- iii. 3.5m wide sealed travel lanes.
- iv. Centerline level of Carrs Drive is to be no lower than R.L. 1.7m AHD.
- v. Allow for table drains, services corridor (considering maintenance access, if required) and pedestrian / bicycle pathways.
- vi. Cross Drainage culverts shall be upgraded as required to comply with NRDC.
- vii. Roadside drainage in accordance with NRDC.
- viii. Construction of any tie-in works required to transition the new works with existing infrastructure and/or the surrounding land formation.
- ix. Minimum 40mm Asphaltic Concrete.
- x. BAR intersection treatment in accordance with AUSTROADS Guidelines at the intersection of Miles Street and Carrs Drive, generally as identified in the Traffic Impact Assessment by Bitzios Consulting Project No. 5746.002R dated 8 May 2023, or subsequent report approved by Council.
- xi. Construction of a 2.5m wide concrete dual use pathway, including any end treatments or road crossing treatments from the existing footpath at Miles Street to the existing footpath along the frontage of Lot 20 DP1277589, generally as identified in the Shared Pathway Concept Plan 33801-ALL-SK031 Rev B prepared by MORTONS urban solutions.

Road upgrading of Carrs Drive is required for the full frontage of Lot 20 DP1277589 and Lot 1 DP790910 up to and including the intersection with Miles Street.

Condition reason: To ensure that the surrounding public road network and infrastructure is suitable to service the development in accordance with the relevant standards.

25. **Miles Street Upgrade**

Prior to Issue of the Subdivision Works Certificate for Stage 1, plans shall nominate the following upgrade works to Miles Street:

- i. 11m wide carriageway (kerb invert to kerb invert).
- ii. 2m wide sealed shoulders.
- iii. 3.5m wide sealed travel lanes.
- iv. Centerline level of Carrs Drive is to be no lower than R.L. 1.7m AHD.
- v. Allow for table drains, services corridor (considering maintenance access, if required) and pedestrian / bicycle pathways.
- vi. Cross drainage culverts shall be upgraded as required to comply with NRDC.
- vii. Roadside drainage in accordance with NRDC.
- viii. Provide improved drainage capacity of downstream open drainage corridor west of Carrs Drive within Miles Street Road reserve.
- ix. Construction of any tie-in works required to transition the new works with existing infrastructure and/or the surrounding land formation.
- x. Minimum 40mm Asphaltic Concrete.
- xi. Construction of a 2.5m wide concrete dual use pathway, including any end treatments or road crossing treatments from the existing footpath at Carrs Drive to connect within the site at Road 2, generally as identified in the Shared Pathway Concept Plan 33801-ALL-SK031 Rev B prepared by MORTONS urban solutions.

Road upgrading of Miles Street is required from the intersection with Carrs Drive up to and including the proposed Road 2 intersection with Miles Street

Condition reason: To ensure that the surrounding public road network and infrastructure is suitable to service the development in accordance with the relevant standards.

26. **Carrs Drive Upgrade**

Prior to issue of the Subdivision Works Certificate for Stage 2, plans shall nominate the following upgrade works to Carrs Drive:

- i. 11m wide carriageway (kerb invert to kerb invert).
- ii. 2m wide sealed shoulders.
- iii. 3.5m wide sealed travel lanes.
- iv. Centerline level of Carrs Drive is to be no lower than R.L. 1.7m AHD.
- v. Allow for table drains, services corridor (considering maintenance access, if required) and pedestrian / bicycle pathways.
- vi. Roadside drainage in accordance with NRDC.
- vii. Cross Drainage culverts shall be upgraded as required to comply with NRDC.
- viii. Construction of any tie-in works required to transition the new works with existing infrastructure and/or the surrounding land formation.
- ix. Minimum 40mm Asphaltic Concrete.

Road upgrading of Carrs Drive is required from Miles Street up to and including the proposed Road 1 intersection with Carrs Drive

Condition reason: To ensure that the surrounding public road network and infrastructure is suitable to service the development in accordance with the relevant standards.

27. **Miles Street Upgrade**

Prior to Issue of the Subdivision Works Certificate for Stage 11, plans shall nominate the following upgrade works to Miles Street:

- i. 11m wide carriageway (kerb invert to kerb invert).
- ii. 2m wide sealed shoulders.
- iii. 3.5m wide sealed travel lanes.
- iv. Centerline level of Miles Street is to be no lower than R.L. 1.7m AHD.
- v. Allow for table drains, services corridor (considering maintenance access, if required) and pedestrian / bicycle pathways.
- vi. Cross Drainage culverts shall be upgraded as required to comply with NRDC.
- vii. Roadside drainage in accordance with NRDC.
- viii. Construction of any tie-in works required to transition the new works with existing infrastructure and/or the surrounding land formation.
- ix. Minimum 40mm Asphaltic Concrete.
- x. Round a bout intersection treatment in accordance with AUSTROADS Guidelines at the intersection of Miles Street and Road 1, generally as identified in the Traffic Impact Assessment by Bitzios Consulting Project No. 5746.002R dated 8 May 2023, or subsequent report approved by Council.
- xi. Construction of a 2.5m wide concrete dual use pathway, including any end treatments or road crossing treatments from the existing footpath in Miles Street to connect within the site at Road 1, generally as identified in the Shared Pathway Concept Plan 33801-ALL-SK031 Rev B prepared by MORTONS urban solutions.

Road upgrading of Miles Street is required from the intersection with Road 2 up to and including the proposed Road 1 intersection with Miles Street.

Condition reason: To ensure that the surrounding public road network and infrastructure is suitable to service the development in accordance with the relevant standards.

28. **Connection to Golding Street**

Prior to issue of each Subdivision Works Certificate for Stages 6 to 11, a revised Traffic Impact Assessment shall be submitted to Council which assesses the existing Level of Service and Degree of Saturation of the Carrs Drive/Yamba Road intersection at time of submission to ensure that the intersection remains within operational capacity giving consideration to a cumulative background growth factor for traffic on Yamba Road of 3% per annum or in accordance with an updated traffic Study for Yamba.

In the event that Level of Service is predicted to fall to 'C' or the Degree of Saturation exceeds 0.85 in the submitted Traffic Impact Assessment, the Subdivision Works Certificate for that stage shall include civil works associated with the Golding Street connection from Miles Street in accordance with AUSTROADS Guidelines.

At the relevant stage containing the new Golding Street Connection, the Subdivision Works Certificate is to include provision of a turnaround area on Miles Street at least a minimum 4m wide constructed sealed pavement extending 20m from Golding Street and details to discourage vehicular access along the current unsealed pavement is to be provided with the relevant Subdivision Works Certificate.

Condition reason: To ensure that the surrounding public road network and infrastructure is suitable to service the development in accordance with the relevant standards.

Restricted driveway accesses

Prior to issue of the Subdivision Works Certificate for any stage, plans shall nominate driveways in accordance with NRDC Standard Drawing R-05 for any lots with frontage to on-street Water Sensitive Urban Design infrastructure.

Condition reason: To ensure that vehicular access is provided in accordance with Council's Engineering Specifications for Development

29. **Intersection Design**

All road Intersections must satisfy safe intersection sight distance requirements for the speed zone of the road servicing the development in accordance with NRDC. Sight distance diagrams must be provided with the Subdivision Works Certificate plans.

Condition reason: To ensure that the surrounding public road network and infrastructure is suitable to service the development in accordance with the relevant standards.

30. **Road Pavement Designs**

Preliminary road pavement designs, in accordance with the Northern Rivers Local Government Development Design and Construction Manual, must be submitted to Council as part of the Subdivision Works Certificate approval. The asphaltic concrete wearing surface must be a minimum 30mm (residential light to medium traffic) and 40mm (industrial, heavy residential and collector roads) compacted depth. Final pavement design will be subject to in-situ CBR tests.

Stabilised pavement and concrete road pavement suitable for the intended design loadings may be used subject to submission of alternative designs for the approval of Council.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

31. **Bike and Pedestrian Facilities**

The applicant is required to prepare a detailed design of Bike and Pedestrian facilities within the development site and connecting onto the existing network (including connection to Yamba Road via Golding Street in Stage 11) as part of the Subdivision Works Certificate application in accordance with the plan 'Shared Concept Shared Pathway Plan' prepared by Mortons Urban Solutions (20 December 2022).

Bike and pedestrian facilities within the site shall be provided in accordance with the approved plans. The design must be in accordance with the Northern Rivers Local Government Development Design and Construction Manual, Clarence Valley Council - Bike Plan and Pedestrian Access and Mobility Plan (PAMP), AS1428 and AS2890 (where relevant). The minimum width of all shared bicycle/footpaths shall be 2.5m. All minor internal roads provide a 1.2m footpath on one side of the road and connect to the surrounding internal shared path network.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

32. **Lighting of Bike and Pedestrian Facilities**
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 Subdivision Works Certificate.
Condition reason: To ensure that adequate lighting of public facilities is in accordance with Council's Engineering Specifications for Development.
33. **Bus Facilities**
Comments of the bus company/ies servicing the area containing the development must be sought, and any reasonable requirements of the bus company are to be considered in the design and placement of these facilities for each stage. A copy of the comments must be provided to Council prior to issue of Subdivision Works Certificate.
Condition Reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development
34. **Stormwater Management Plan**
All stormwater falling on the property is to be collected within the property and discharged in accordance with the approved stormwater management plan, relevant parts of the applicable Clarence Valley Council Development Control Plans and Northern Rivers Local Government Development Design and Construction Manual (NRDC). A Stage Specific 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.
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 Subdivision Works Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.
The Stormwater Management Plan must include a management plan for any Water Sensitive Urban Design systems. The management plan must consider construction and operational phases.
DRAINS and Music modelling is to accompany the SWMP.
Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development
35. **Water Sensitive Urban Design**
The Subdivision Works Certificate application must include design calculations for any necessary upgrade of existing stormwater drainage cross-culverts and affected services/utilities
Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development
36. **Water Sensitive Urban Design**
Where proposed, Water Sensitive Urban Design (WSUD) systems are to be included in a detailed Design, Construction, Inspection, Testing, Establishment and Staging Management Plan and submitted with the Subdivision Works

Certificate application for approval by Council. Road reservation widths are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manual plus additional width to contain proposed WSUD components as approved by Council.

Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development

37. **Earthworks Management Plan**

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

Material for landfilling is to be sourced via dredge material from the Clarence River.

Alternatively, haulage via road will be accepted subject to evidence being submitted that all avenues to obtain a dredging development approval and relevant licences have been exhausted.

If dredging material is proposed for fill within any stage of the development, a revised Geotechnical Report shall accompany the Earthworks Management Plan. The revised Geotechnical Report shall assess the suitability of dredging material for the proposed application and intended use.

The earthworks Management Plan is to be prepared in accordance with Council's guidelines.

Condition reason: To ensure compliance with relevant Australian Standards

38. **Verification of Civil Engineering Works**

Prior to issue of a Subdivision Works Certificate, a practising qualified engineer experienced in structural design and soil mechanics is required to verify the 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

Condition reason: To ensure compliance with relevant Australian Standards

39. **Retaining Walls**

The design of retaining walls for site regrading and fill earthworks must be in accordance with AS4678 Earth retaining structures for a minimum design life of 100 years using recommendations made by a Geotechnical Authority. The design and construction supervision shall be carried out by a Qualified Certified Structural or Civil Engineer (NPER 3 Registered).

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

Condition reason: To ensure the retaining walls are in accordance with relevant standards.

40. **Groundwater**

Prior to issue of a Subdivision Works Certificate, a refined conceptual hydrogeological model (CHM) must be submitted for approval taking into account the potential impacts of the development on the groundwater level and surface water level at the site and adjacent areas. This must include, but not be limited to, the following:

- i. Detailed walkover of surface water bodies to investigate possible discharge areas and paths and survey of drainage bed levels where accessible,
- ii. Drilling and installation of a minimum of 2 groundwater wells at upgradient/downgradient locations to assess groundwater level and response to rainfall,
- iii. Water level monitoring, comprising data loggers in groundwater wells for a minimum of 3 months prior to filling, for the duration of filling and minimum 6 months after the initial final Subdivision Certificate is issued (data to be made available to Council at any time during the monitoring period upon request),
- iv. Hydraulic testing of monitoring wells and particle size distribution testing of soil samples to estimate soil hydraulic conductivity, and
- v. Groundwater modelling using site specific water level data to understand behaviour of groundwater level at the site and possible long term impacts of the proposed development, if any.

The CHM must consider any adjacent property or infrastructure affected by the development, tidal influences on the groundwater flows and approved stormwater management plan. If the CHM identifies that the development may increase the levels of groundwater, recommendations are to be included in the accompanying Groundwater Study Report about how this is proposed to be ameliorated. Any recommendations therein must be implemented as per the timeframes indicated in the report.

A detailed design of the engineered fill platform generally must be submitted with the Groundwater Study Report for the CHM for approval by Council and/or accredited private certifier prior to issue of the Subdivision Works Certificate. The detailed design is to incorporate any recommendations contained within the revised CHM.

Condition reason: To ensure the potential impacts of the development on the groundwater level and surface water level are mitigated

41. **Erosion and sediment control plan**

A detailed Erosion and Sediment Control Management Plan for each stage of the subdivision must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a Subdivision Works Certificate 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.

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

42. **Landscaping for Open Spaces**

A detailed landscape plan generally consistent with the approved landscape strategy, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of each Subdivision Works 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. All species are to be native, preference is to be given to local endemic species. The plan must also include the following information:

- a. Grassed slopes located on public land (open space, drainage reserve, road reserve) that are cut or filled to achieve finished levels shall have maximum gradient of 1:4 (25%).
- b. Planted slopes located on public land (open space, drainage reserve, road reserve) that are cut or filled to achieve finished levels shall have maximum gradient of 1:3 (33%).
- c. Street and park tree planting to be minimum 45 litre pot size, to be planted using 1 slow release fertiliser tablet per hole mixed with site soil and imported topsoil; the trees is to be stabilised by no less than 2 x 50x50x1800mm long hardwood stakes and 2 x hessian ties. Provide water basin under minimum 75mm hardwood chip mulch, mulch to form a minimum of 800mm circle around base of the tree.
- d. Provide a minimum of 1 street tree per residential lot and a minimum of 10 parks trees per drainage and open space lot.
- e. Provide a minimum 500mm wide dedicated tree corridor on either side of the road within all of the proposed road reserves to enable street tree planting.
- f. Imported topsoil for planting to be supplied as a premium grade soil mix in compliance with AS 4419:2018 Soils for landscaping and garden use.
- g. Specified trees to be sourced from nurseries that grow to AS 2303:2018 Tree stock for landscape use.
- h. Details of all fencing to be installed by the developer including fencing atop the retaining wall structures generally in accordance with Plan 3.9 Frontage Landscape & Fencing dated November 2023 by Zone Landscape Architecture.
- i. Details of any entry signage to the subdivision.

Condition reason: To ensure that the development is adequately landscaped and maintained, and in accordance with the approved plans.

43. **Landscaping**

Prior to issue of the Subdivision Works Certificate for any stage containing an open space area (including central park, stormwater basins and rest node), a detailed plan showing all embellishments of the reserve is to be submitted for Council for approval. The infrastructure is to generally align with those shown on the approved plan and the following requirements:

- a. The playground to be designed to achieve 'Local playgrounds: Level 2' in accordance with Council's Playground Policy.
- b. Provide and install one (1) No. 'F3.5 Minor Park ID (Short Name)' and one (1) No. 'F5.1a Major Regulatory (Park)' information and regulatory sign upon the open space lot.
- c. Provide and install one (1) No. 'F5.2 Intermediate Regulatory (Park)' information and regulatory sign in the drainage reserves.

- d. Provide and install one (1) No. 'F1.4b Minor Town Entry (3 Lines)' information sign.
- e. The open space lot shall include a minimum of one (1) bin. Details of the type of bin to be submitted for approval.
- f. Installation of a CIVIQ Aquafill water fountain (CIVIQ: Aquafil FlexiFountain 1500BF. SKU:AQ-FF1500BF and two (2) Anti-bacterial bottle refill points. DDA-compliant wheel chair accessible filling points).
- g. The minimum width of all shared bicycle/footpaths shall be 2.5m.
- h. All pathways and shared bicycle/footpath in the subdivision are to be provided in accordance with **NRDC**, Clarence Valley Council - Bike Plan and Pedestrian Access and Mobility Plan (PAMP), AS1428 and AS2890.
- i. The shelter is to have a connecting footpath for accessibility to the main pedestrian facilities shown on the approved plan.
- j. At least two (2) backed seats and two (2) picnic tables are to be provided under park shelter
- k. All furniture to be installed on concrete slab linked to footpath to enable access for all.
- l. All furniture shall be consistent with the standard furniture products used by Council.

Condition reason: To ensure that the development is adequately embellished for future users, and in accordance with the approved plans.

44. **Acid Sulfate Soils Management Plan**

An Acid Sulfate Soil Management Plan must be submitted to, and approved by Council prior to issuing Construction Certificate in accordance with the recommendations contained in Section 6 of the Acid Sulfate Soil Assessment dated 5 March 2020 prepared by Regional Geotechnical Solutions.

Condition reason: To ensure any disturbance or likely adverse impact on Acid Sulphate Soils is properly assessed and managed

45. **Vegetation Management Plan**

Prior to the issue of a Subdivision Works Certificate, the applicant must prepare, submit to Council and obtain approval for a Vegetation Management Plan ('VMP') for all areas of the site to be retained, including lot 903, and for the construction phase of the development generally in accordance with the approved VMPs. The VMP must be prepared by a suitably qualified and experienced Ecologist. The primary objective of the plan must be weed management, regeneration of native vegetation and if necessary, replanting. Implementation of the VMP must commence immediately following issue of a Subdivision Works Certificate. In preparing and implementing the VMP the following criteria must be addressed:

- a A suitably qualified and experienced professional bush regeneration contractor must be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel).
- b A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation and extent of dominant weed infestations.
- c A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided

- d A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works. All primary weed control must be undertaken in the first year following commencement of the VMP, with secondary weed control undertaken in the second year following commencement of the VMP. Maintenance weed control must continue for the duration of the VMP. If natural regeneration has not occurred within one (1) year of implementation of the VMP then replanting must occur. Replanting density is to be 1 tree per 10m² and 1 shrub or small tree per 5m². A minimum of 90% survival rate of plantings is required, with replacement planting to occur if required to achieve this.
- e The location and type of fencing or other suitable method of restricting access of livestock into the area to which the VMP applies must be identified if livestock are to be kept on the lot
- f Photo monitoring points, details of plant survival, occurrence of natural regeneration and weed density must be used as part of the monitoring of the area and included in each monitoring report.
- g Monitoring reports on the progress of the VMP must be submitted to and approved by Council once every twelve (12) months for the duration of the VMP.
- h All recommended mitigation measures contained within Section 6.1 of the approved Biodiversity Development Assessment Report.
- i Incorporate the monitoring recommendations of the *Rotala tripartita* report (Dr Andrew Benwell, July 2023) by conducting vegetation and soil monitoring plots during and after construction that measure the indirect effects of changes in land use and stormwater runoff (pre and post-construction; before and after treatment) on the *Rotala* population and wetland plant communities.
- j Include the results of the vegetation and soil monitoring plots in the annual monitoring reports
- k Include an initial 10 year timeframe for management and monitoring, which can be reviewed after 5 years, in consultation with the Department of Climate Change, Energy, the Environment and Water, to determine if further management or monitoring is required

Condition reason: To ensure onsite vegetation is managed appropriately

Before Subdivision Work Commences

46. Ecosystem credit retirement - like for like

Before site work commences:

- a The class and number of ecosystem credits in the table of ecosystem credits required be retired - like for like - non-threatened ecological community must be retired to offset the residual biodiversity impacts of the development; and/or
- b The class and number of ecosystem credits in the table of ecosystem credits required to be retired - like for like - threatened ecological community must be retired to offset the residual biodiversity impacts of the development.
- c Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table of ecosystem credits required to be retired - like for like- non-threatened ecological community

Impacted plant	Number	Hollow	IBRA subregions from
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community type	of ecosyste m credits	bearing trees (HBT's)	which credits can be used to offset the impacts from development
Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 780, 781, 782, 828, 1071, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1911, 3958, 3962, 3964, 3965, 3967, 3971, 3973, 3975, 3976	6	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site
Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046	28	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site
Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046	1	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site
Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003,	14	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site

4005, 4032, 4033, 4036, 4042, 4045, 4046			
<p>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</p> <p>This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798, 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057</p>	9	No	<p>Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.</p> <p>Or</p> <p>From an IBRA subregion within 100km of the outer edge of the impact site</p>
<p>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</p> <p>This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798, 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057</p>	0	No	<p>Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.</p> <p>Or</p> <p>From an IBRA subregion within 100km of the outer edge of the impact site</p>
<p>Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion</p> <p>This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046</p>	3	No	<p>Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.</p> <p>Or</p> <p>From an IBRA subregion within 100km of the outer edge of the impact site</p>

Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 915, 916, 917, 918, 919, 1125, 1230, 1232, 1234, 1235, 1236, 1726, 1727, 1728, 1729, 1731, 1800, 1808, 3962, 3963, 3985, 3987, 3993, 4016, 4023, 4026, 4027, 4028, 4030, 4035, 4038, 4040, 4048, 4049, 4050, 4056	5	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site
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Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of ecosystem credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

47. **Ecosystem credit retirement - variation rules**

Before site work commences:

- a the class and number of ecosystem credits identified in the table of ecosystem credits required to be retired - variation rules must be retired to offset the residual ecosystem impacts of development; and
- b evidence of the retirement of credits identified in the table of ecosystem credits required to be retired - variation rules must be provided to the consent authority.

Table of ecosystem credits required to be retired - variation rules

Impacted plant community type	Number of ecosystem credits	Hollow bearing trees (HBT's)	IBRA subregions from which credits can be used to offset the impacts from development	Threatened ecological that can be used to offset the impacts from development
Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 780, 781, 782, 828, 1071, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1911, 3958, 3962, 3964, 3965, 3967, 3971, 3973, 3975, 3976	6	No	South Eastern Queensland, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Credits from the Tier 3 or higher threat status, that also represent Forested Wetlands

Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046	28	No	IBRA Region: South Eastern Queensland, orAny IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Credits from the Tier 3 or higher threat status , that also represent Grassy Woodlands
Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046	1	No	IBRA Region: South Eastern Queensland, orAny IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Credits from the Tier 3 or higher threat status , that also represent Grassy Woodlands
Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046	14	No	IBRA Region: South Eastern Queensland, orAny IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Credits from the Tier 3 or higher threat status , that also represent Grassy Woodlands

Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798, 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057	9	No	South Eastern Queensland, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Credits from the Tier 3 or higher threat status , that also represent Forested Wetlands
Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 837, 839, 926, 971, 1064, 1092, 1227, 1230, 1231, 1232, 1235, 1649, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1730, 1795, 1798, 3272, 3906, 3983, 3985, 3986, 3988, 3989, 3990, 3995, 3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057	0	No	South Eastern Queensland, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Credits from the Tier 3 or higher threat status , that also represent Forested Wetlands
Subtropical Coastal Floodplain Forest of the New South	3	No	South Eastern Queensland, or	Credits from the

Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092, 1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046			Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Tier 3 or higher threat status , that also represent Forested Wetlands
Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 915, 916, 917, 918, 919, 1125, 1230, 1232, 1234, 1235, 1236, 1726, 1727, 1728, 1729, 1731, 1800, 1808, 3962, 3963, 3985, 3987, 3993, 4016, 4023, 4026, 4027, 4028, 4030, 4035, 4038, 4040, 4048, 4049, 4050, 4056	5	No	South Eastern Queensland, or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Credits from the Tier 3 or higher threat status , that also represent Forested Wetlands

Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of ecosystem credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

48.

Species credit retirement - like for like

Before site work commences:

- a the class and number of species credits identified in the table of Species credits must be retired - like for like must be retired to offset the residual biodiversity impacts of the development; and
- b evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table of species credits required to be retired - like for like

Impacted species credit species	Number of species credits	IBRA subregions from which credits can be used to offset the impacts from development	Species that can be used to offset the impacts from development

Dendrobium melaleucaphilum <i>/ Spider orchid</i>	8	Anywhere in NSW	Dendrobium melaleucaphilum <i>/ Spider orchid</i>
yotis macropus / <i>Southern Myotis</i>	67	Anywhere in NSW	yotis macropus / <i>Southern Myotis</i>
Rotala tripartita / <i>Rotala tripartita</i>	11	Anywhere in NSW	Rotala tripartita / <i>Rotala tripartita</i>

Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of species credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

49. **Species credit retirement - variation rules**

Before site work commences:

- a the class and number of species credits identified in the table of species credits required to be retired - variation rules must be retired to offset the impacts of development; and
- b evidence of the retirement of credits identified in the table of Species credits required to be retired - variation rules must be provided to the consent authority.

Table of Species credits required to be retired - variation rules

Impacted species credit species	Number of species credits	IBRA subregions from which credits can be used to offset the impacts from development	Species that can be used to offset the impacts from development
Dendrobium melaleucaphilum / <i>Spider orchid</i>	8	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.orAny IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Any species with a listing of Endangered or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also a [insert “plant” or “animal” to match the impacted species]
yotis macropus / <i>Southern Myotis</i>	67	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.orAny IBRA subregion that is within 100 kilometers of the	Any species with a listing of Vulnerable or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also an “animal”

		outer edge of the impacted site.	
<i>Rotala tripartita</i> / <i>Rotala tripartita</i>	11	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.orAny IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Any species with a listing of Endangered or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also a “plant”

Condition reason: To ensure that biodiversity impacts are appropriately offset through the retirement of species credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

50. **Dial Before you Dig**

Prior to carrying out any works for each stage of the development, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Condition reason: to comply ensure work is carried out in safe manner

51. **Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- Showing the name, address, and telephone number of the principal certifier for the work, and
- Showing the name of the principal contractor (if any) for any building work and telephone number on which that person may be contacted outside working hours, and
- Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

NOTE: this does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Condition reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3)

52. **Notice of intention to commence work**

Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.

Condition reason: To comply with legislative requirements

53. **Vegetation Clearing**

No vegetation clearing shall commence until a Subdivision Works Certificate has been issued.

Condition reason: To comply with legislative requirements

54. **Inspection Testing Plan**

Prior to commencement of works for each stage of the development an Inspection Testing Plan must be submitted to Council for approval. 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.

Condition reason: To ensure works are completed to an appropriate standard and documented

55. **Traffic Control Plan**

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 be prepared by a person authorised by the Transport for New South Wales to prepare TCP's and must be endorsed by Council prior to the occupation of the road reserve and commencement of work for each stage of the development.

Condition reason: To require details of measures that will protect the public during site works and construction

56. **Construction Site Management Plan**

The contractor engaged to undertake the construction works shall provide a Construction Environmental Management Plan (CEMP) to Council, a minimum of seven days prior to commencing any works for each stage of the development. The CEMP shall be prepared in accordance with Council's factsheet and submitted to the Development Engineer at the following email address council@clarence.nsw.gov.au.

The CEMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

The CEMP shall be approved by Council prior to works commencing on site.

- a The location and materials for protective fencing and hoardings on the perimeter of the site;
- b Provisions for public safety;
- c Pedestrian and vehicular site access points and construction activity zones;
- d Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e Details of bulk earthworks to be carried out;
- f The location of site storage areas and sheds;
- g The equipment used to carry out works;
- h The location of a garbage container with a tight-fitting lid;
- i Dust, noise and vibration control measures;
- j The location of temporary toilets;
- k The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with
 - i) AS 4970 - Protection of trees on development sites;
- l Details of any recommendations contained within approved Contamination Report Section 4.5 of Stage 1 & 2 Contamination Assessment dated 23 August 2023 prepared by Regional Geotechnical Solutions.
- m Details of any recommendations contained within the Approval Acid Sulfate

Soil Management Plan.

n Details of commitments and measures set out in the approved Native Vegetation Management Plan.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

57. **Pavement Condition Report**

A pavement condition report and maintenance repair strategy is to be provided for **Carrs Drive, from the site access through to the intersection of Harold Tory Drive**. The report must be completed by a suitably qualified engineer and/or Geotechnical Testing Authority, and is to be submitted to Council prior to commencement of works for each stage of the development. 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 **Carrs Drive**, in the amount of \$100,000, prior to commencement of works. Should the 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.

Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development

58. **Vibration Management Report**

Provision of a Vibration Impact Management and Dilapidation Report for St James School is required for the endorsement of Council prior to commencement of any earthworks. The report must be completed by a suitably qualified engineer and/or Geotechnical Testing Authority. 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.

Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development

During Subdivision Work

59. **Works in proximity to electrical infrastructure**

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets).

In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

Condition reason: to comply with industry standards for work close to electrical infrastructure

60. **Discovery of relics and Aboriginal objects**

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a the work in the area of the discovery must cease immediately;
- b the following must be notified
 - i) for a relic - the Heritage Council; or
 - ii) for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a for a relic - the Heritage Council; or
- b for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Condition reason: To ensure the protection of objects of potential significance during works

61. **Implementation of the site management plans**

While site work is being carried out:

- a the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
- b a copy of these plans must be kept on site at all times and made available to council officers upon request.

Condition reason: To ensure site management measures are implemented during the carrying out of site work

62. **Responsibility for changes to public infrastructure**

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition reason: To ensure payment of approved changes to public infrastructure

63. **Benkelman beam testing**

Benkelman beam testing of the constructed road pavement will be required. The testing is to be undertaken by a National Australian Testing Authority registered authority with accreditation for using the Benkelman beam in accordance with RMS Test Method T160.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

64. **Soil management**

While site work is being carried out, Council must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is

disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to Council.

- b All fill material imported to the site must be:
 - i) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or
 - ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants

65. **Disposal of Waste Materials**

All waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to council within fourteen (14) days of the waste being disposed.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated

66. **Fill earthworks**

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 Northern Rivers Local Government Development Design and Construction Manual.

Condition reason: To ensure compliance with relevant Australian Standards

67. **Fill earthworks**

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.

Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development

68. **Fill earthworks**

During dry weather, standard dust suppression methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.

Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development

69. **Working Construction Hours**

Working hours on construction or demolition shall be limited to the following:

- i 7.00am to 6.00pm Monday to Friday
- ii 8.00am to 1.00pm Saturdays
- iii No work permitted on Sundays and public holidays

Condition reason: To protect the amenity of the surrounding area

70. **Site Safety Management**
Building equipment and/or materials shall be contained wholly within the site and 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.
Condition reason: To ensure site management measures are implemented during the carrying out of site work
71. **Approved Plans Onsite**
A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by an officer of Council or the Private Certifier.
Condition reason: To provide certainty on the terms of approval and approved plans
72. **Acid Sulfate Soil Management Plan**
All works on site must be performed in accordance with the Acid Sulfate Soil Management Plan.
Condition reason: To ensure any disturbance or likely adverse impact on Acid Sulphate Soils is properly assessed and managed
73. **Tree protection during work**
While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:
a the construction site management plan required under this consent,
b the relevant requirements of AS 4970 Protection of trees on development sites,
c maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
Condition reason: To protect trees during the carrying out of site work
74. **Biosecurity Risk weeds**
Biosecurity risk weeds are to be managed according to requirements under the *Biosecurity Act 2015*. This also includes ensuring machinery and plant do not introduce weed seed or propagules to the site. This may include adopting and implementing the 'Arrive Clean, Leave Clean' guidelines (DoE 2015).
Condition reason: To protect flora and fauna located in the locality
75. **Felled Trees**
Where possible, any felled trees should be placed on the ground as habitat features and not removed.
Condition reason: To protect flora and fauna located in the locality
76. **Reuse of vegetation onsite**
Vegetation cleared during clearing activities should be mulched for use in erosion and sediment control during construction.
Condition reason: To ensure the development does not adversely impact on biodiversity

77. **Burning of vegetation**
Burning of vegetation cleared during clearing activities is prohibited.
Condition reason: To protect the amenity of the surrounding area

Before Issue of a Subdivision Certificate

78. **Section 7.11 Contributions**
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**
Coastal \$4,292.40 x 278 Additional Lots = \$1,193,287.20
GL S94CVCOSCoastal
- Clarence Valley Contributions Plan 2011 Community Facilities**
Maclean surrounds \$4,292.40 x 278 Additional Lots = \$1,193,287.20
GL S94CVCCFMaclean
- Clarence Valley Contributions Plan 2011 Plan of Management**
Rate per Dwelling/Lot \$82.20 x 278 Additional Lots = \$22,851.60
GL S94CVCPoMDwell
- West Yamba Urban Release Area Road Infrastructure Developer Contributions Plan**
Residential Lot/Dwelling House \$960.00 x 278 Additional Lots = \$266,880.00
- Maclean Shire Council Section 94 Contributions Plan for Street Trees in Urban Subdivisions**
Yamba: \$115.35 x 278 Additional Lots = \$32,067.30
GL S94TreePlantYamba
- Yamba Urban By-pass and Urban Intersections Contributions Plan 2000**
West Yamba \$786.60 x 2.6 persons x 278 Additional Lots = \$568,554.48 GL S94YBPWestYamba

N.B.

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

The contributions are to be paid to Council prior to issue of the Subdivision Certificate for each stage.

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

All contribution plans are available for inspection on Council's website
www.clarence.nsw.gov.au.

Condition reason: To comply with Council's Contributions Plans

79. **Completion of Civil Works**
Before the issue of any Subdivision Certificate, all civil works including road, water, sewer and stormwater infrastructure are to be completed in accordance with

approved plans and documents and any relevant conditions of this consent.

Condition reason: To ensure the approved works have been completed

80. **Completion of landscape, fencing and tree works**

Before the issue of a Subdivision Certificate, all landscaping, fencing atop retaining walls and tree-works are to be completed in accordance with approved plans and documents and any relevant conditions of this consent.

Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s)

81. **Maintenance manual for land dedicated to Council**

Prior to the issue of the Subdivision Certificate that dedicates land to Council, a Vegetation Management Plan (VMP) is to be prepared and approved by Council for Open Space areas, drainage reserves and the like identifying ongoing maintenance requirements including any requirements of the approved Vegetation Management Plans.

Condition reason: to ensure suitable maintenance is provided for Council dedicated land

82. **Verification of Vegetation Management Commitments**

Before the issue of a Subdivision Certificate, provide a report prepared by a suitably qualified person verifying that all commitments and harm minimisation measures required by the approved Vegetation Management Plan and biodiversity management measures in the Construction Site Management Plan have been satisfied and/or works undertaken.

Condition reason: To ensure that the required biodiversity management measures to avoid and minimise biodiversity impacts were implemented.

83. **Integrated Development Approval**

The development is to comply with the Integrated Development Approval granted under Section 4.47 of the *Environmental Planning and Assessment Act 1979* as contained in the correspondence from NSW Rural Fire Service, letter dated 23 January 2024, consisting of five (5) pages and Department of Planning and Environment – Water letter dated 12 April 2023, consisting of four (4) pages, and as attached to this Notice of Determination. A suitably qualified person/s is to certify compliance with any General Terms of Approval or Permit or License by an approval body and provide copies of any approvals, permit or license to Council prior to issue of the Subdivision Certificate.

Condition reason: To comply with legislative requirements

84. **Section 88B Instrument**

The submission of the 88B Instrument, and one copy thereof, to Council prior to the release of the Subdivision Certificate.

Condition reason: To comply with the Conveyancing Act 1919

85. **Certification of constructed Civil Works**

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.

Condition reason: To ensure works are completed to an appropriate standard and documented

86. **Certificate of Compliance**

A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to release of the Subdivision Certificate, for each and every stage of the development. This may require payment of a fee.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

87. **Provision of Pressure Sewer Infrastructure**

Prior to issue of the Subdivision Certificate, the developer must either:

- a. Pay Council for the supply and installation of the on-site pressure sewer unit & house service in accordance with Council's Adopted Fees & Charges, as applicable at the date the application for a Subdivision Certificate is received. The fee for 2023/24 is \$15,922 per additional lot; or
- b. Enter into a bond agreement with Council for the amount required by (a) above, in accordance with Council's Pressure Sewer Policy. This bond may be released, wholly or in stages, only after each new lot has been connected to the pressure sewer network. Connection may occur by either by a private certified contractor, or by arrangement for Council to undertake the work. Requirements for pressure sewerage system installation and operation are outlined in Council's Pressure Sewer Policy; or
- c. Install Council-accredited pressure sewer units on each additional lot, in accordance with Council's Pressure Sewer Policy, and pay a fee of \$3,500 (subject to annual CPI indexation) to Council for future installation of the Electrical Control Panel and the installation and commissioning of the pump core. Council will provide the future infrastructure to each lot, at no additional cost to the developer, prior to dwelling/s occupation. After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,

If proceeding under 1(c), the developer may either purchase Council-accredited pressure sewer units directly from suppliers or access Clarence Valley Council's period supply contract rates (via payment to Council) for the appropriate pressure sewer unit based on the equivalent tenement/s (ET) for the property. The cost of the Council-accredited pressure sewer unit under the period supply contract will depend on the type of unit required. The Council-accredited pressure sewer unit and the rates current at the date of this consent are:

- Aquatec Fluid Systems Simplex Unit - \$4,235.00 (inc GST)
- Enviro One Services Simplex Unit - \$4,146.15 (inc GST)
- Duplex and Triplex Units - Price on application

Under the period supply contract, rates may be varied every three (3) months. Should a developer choose to access the period supply contract rates, they will need to contact Council's Water Cycle Section to confirm price.

The period will include the supply of a poly pressure tank, boundary kit and poly discharge property line and these components will need to be installed by the developer at their cost. Installation must comply with the Pressure Sewer Code of Australia; this installation may also require an inspection from a Council officer. The pressure sewer tank location must be approved by Council at Construction Certificate stage to ensure proper drainage from a future dwelling.

The fees under 1(c) includes installation and commissioning of the pump core, electrical control panel, underground electrical cables, and conduits.

The developer of future dwelling/s on each lot must contact Council's Water Cycle Section to request installation a minimum of 6 weeks before a frame inspection is required to ensure a suitable time frame is provided for the installation of the electrical wiring.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

88. **Provision of Water and/or Sewer Reticulation**

Prior to issue of the Subdivision Certificate, the applicant is to provide water supply and sewerage reticulation infrastructure to service all lots in the subdivision, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and Northern Rivers Local Government Development Design and Construction Manual.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

89. **Easement for Retaining Walls**

A Section 88E easement, 88B easement, Positive Covenant or Restriction-as-to-User encumbrance for any lot containing a retaining wall adjoining Miles Street or Carrs Drive is required prior to issue of the applicable Subdivision Certificate to ensure Council has access to the retaining wall.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council.

Condition reason: To comply with ensure the integrity of the retaining walls are maintained.

90. **Easement for Sewerage**

The granting of an easement for sewerage purposes, over the Council's sewer mains within any lots in the subdivision prior to issue of the Subdivision Certificate.

- a Where the sewer is less than 1.5 metres depth, the easement width shall be 3.0 metres, except that for sewers which are less than 0.75 metres depth and serving only one residential lot, the easement width may be reduced to 1.5 metres,
- b Where the sewer is between 1.5 metres and 3.0 metres depth, the easement width shall be 5.0 metres,
- c Where the sewer is greater than 3.0 metres depth, the easement width shall be determined by Council following an assessment of maintenance access requirements;

Unless specific approval or direction is given by Council to an alternative easement width having regard to the particular circumstances of the development and the sewer infrastructure.

The easement shall be located centrally about a line drawn between manholes to an accuracy of 0.15 metres by a registered surveyor and supported by an engineering survey plan showing the dimensions between the sewer line and the extremity of the easement at each point where the easement dissects the boundary of the subdivided lot or lots or any change of direction.

Condition reason: To comply with Council's Sewer and Water Development Services Plan

91. **Street Name Signs**

Prior to release of the Subdivision Certificate, street name signs are to be provided to all intersections in accordance with Council's specifications. The name of the proposed road(s) will require written approval from Council.

Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development

92. **Dedication of land for Road Widening**
The dedication, free of cost to Council, of land for the full frontage of Lot 46 DP 751395 and Lot 47 DP751395 adjacent to Carrs Drive and Miles Street as road reserve will be required as part of the Subdivision Certificate to accommodate the required road works for the relevant stage in the development. The extent of dedication is to ensure the road carriageway and all associated infrastructure is located in the road reserve.
Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development
93. **Construction of footpaths**
Prior to issue of the Subdivision Certificate, all concrete or paved footpaths are to be constructed in accordance with the approved plan.
Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development
94. **Prohibition of Access**
Access from Carrs Drive and Miles Street to individual allotments is prohibited without the consent in writing of the Council. A restriction is to be placed on the title of each relevant lot created to reflect this restriction prior to issue of the Subdivision Certificate.
Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development
95. **Restriction-as-to-user for Stormwater Management**
A Section 88E easement, 88B easement, Positive Covenant or Restriction-as-to-User encumbrance for stormwater management on the land title of the new allotments is required prior to issue of the applicable Subdivision Certificate to ensure future building development compliance.
- The Restriction-as-to-User is to include:
- a. Minimum storage for rainwater re-use identified in the approved Stormwater Management Plan for the relevant stage, with overflow directed to Inter Allotment Drainage infrastructure for all proposed lots within the development need not be provided until a building is occupied on the lot.
Note: Should the total roof area for any proposed lot exceed 250m², additional re-use storage may be required.
 - b. Ensure on any lot containing an on-site stormwater detention system that:
 - i) the facility will remain in place and fully operational
 - ii) the facility is maintained so that it operates in a safe and efficient manner
 - iii) Council staff is permitted to inspect the facility
 - iv) Council is indemnified against all claims of compensation caused by the facility
- Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council.
Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development

96. **Water Sensitive Urban Design**

Prior to issue of any Subdivision Certificate which dedicates Water Sensitive Urban Design components, Operational and Maintenance Manuals shall be submitted to Council.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

97. **Easements for Interallotment Drainage**

Prior to issue of the Subdivision Certificate an easement is to be created to provide for conveyance of existing/proposed 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 the Northern Rivers Local Government Development Design and Construction Manual.

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

Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development

98. **Asset Register Works Return**

Prior to the release of any Subdivision Certificate, whichever comes 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.

Condition reason: To ensure works are completed to an appropriate standard and documented

99. **Work-As-Executed Plans**

In accordance with the Northern Rivers Local Government Development Design and Construction Manual and prior to the release of the Subdivision Certificate, 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.

For the construction of Water Sensitive Urban Design systems the WAE shall include detailed records of the materials used, inspection and testing.

Condition reason: To ensure works are completed to an appropriate standard and documented

100. **Construction of Access**

Prior to issue of the Subdivision Certificate, the entire length of the battle axe handle for each relevant lot or any lots with frontage to on-street Water Sensitive Urban Design infrastructure is to be constructed in accordance with the approved plan.

Condition reason: To ensure that vehicular access is provided in accordance with Council's Engineering Specifications for Development

101. **Certification of Services**

Prior to the issue of any Subdivision Certificate, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, Water Sensitive Urban Design components, pipelines, road batters, access ways and drainage paths) are contained within the respective lots or easements or common property for the lands to be subdivided.

Condition reason: To ensure works are completed to an appropriate standard and documented

102. **Right-of-Carriageway**

Prior to issue of the Subdivision Certificate, where internal access passes through lots other than those being developed, a right of way for access must be created to ensure legal access is provided to each lot.

Condition reason: To ensure that vehicular access is provided in accordance with Council's Engineering Specifications for Development

103. **Easements for Electrical Infrastructure**

Prior to issue of the Subdivision Certificate, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

Condition reason: To protect existing infrastructure on the site.

104. **Lighting of Public Places**

Prior to release of the Subdivision Certificate, 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.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

105. **Maintenance Bond**

Prior to release of the Subdivision Certificate, 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 Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended due to material or construction work compliance reasons or should the application for a Subdivision Certificate be delayed beyond the maintenance period. The maintenance period and bond amounts for Water Sensitive Urban Design components must be in accordance with the Council approved stormwater management plan.

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 the Northern Rivers

Local Government Development Design and Construction Manual (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. The Council will hold each Subdivision Certificate or 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'.

Condition reason: To ensure works are completed to an appropriate standard and documented

106. **Geotechnical Inspection Certification**

Prior to release of the Subdivision Certificate for any stage, certification from the Geotechnical Inspection and Testing Authority who undertook Level 1 inspection and testing, in accordance with AS3798, will be required confirming that each lot is suitable for the intended purpose. All testing as required in AS3798 and Northern Rivers Local Government Development Design and Construction Manual must be submitted.

Condition reason: To ensure works are completed to an appropriate standard and documented

107. **Works-As-Executed Plan**

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 the Subdivision Certificate.

Condition reason: To ensure works are completed to an appropriate standard and documented

108. **Revegetation of Site**

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. 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.

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

109. **Repair of infrastructure**

Before the issue of a subdivision certificate or after completion of all site work:

- a any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
- b if the works in (a) are not carried out to council's satisfaction, council may

carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To ensure any damage to public infrastructure is rectified

110. **Completion of public utility services**

Before the issue of the relevant Subdivision Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to Council.

Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

111. **Completion of public utility services**

Prior to the issue of the Subdivision Certificate telecommunications, low voltage electricity and street lighting services must be provided to the development and/or all lots within the subdivision in accordance with the requirements and specifications of the relevant service authorities, Australian Standards, the relevant parts of the applicable Clarence Valley Council Development Control Plans and NRDC.

- a All new services are to be provided within the service allocations within NRDC, unless an agreement has been obtained from Council for an alternative location.
- b Written agreement of non compliance with the service allocations will be required from the affected service authorities.
- c Service locations are to be clearly dimensioned on the Construction Certificate plans.
- d All service locations are to be approved by Council and the relevant service authority with regard to WSUD components of the proposed stormwater drainage system.
- e Council must be consulted, and agreement obtained, prior to any variation in location of services during construction due to field conditions.
- f Any variation to the service location from that approved with the Construction Certificate plans must be clearly documented on the work as executed plans. A surveyor must be engaged to locate a service prior to backfilling where it is necessary to clearly demonstrate the location of the service/s.

Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development

Ongoing Use

No additional conditions have been applied to this stage of development.