

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: SUB2023/0001

Development: Demolition of existing structures, vegetation clearing, earthworks, a 285-lot community title subdivision, construction of associated roads and infrastructure, and construction of 5 neighbourhood shops, community facility (flood refuge building) with signage, car parking and landscaping on proposed lot 278

Site: 52-54 Miles Street, Yamba / Lots 46 and 47 DP 751395 and Lot 18 DP 1090409

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 06 May 2026

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation, Subdivision Works Certificate or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 52-54 Miles Street, Yamba / Lots 46 and 47 DP 751395 and Lot 18 DP 1090409 to the extent depicted in approved plans.

The conditions of consent are as follows:

Advisory Notes

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 demand on Council's water supply, and an additional loading on Council's sewerage system. This includes an applicable credit of 2.4 ETs for pre-existing uses. The headworks charges at 2025/26 financial year rates are:

Development type	Demand (ET)	
	Water	Sewer
Residential lot (<450m²)*	0.8	1.0
Residential lot (>450m²)	1.0	1.0
Medium density Lot 279**	1.2	1.0
Commercial Lot 278***	1.0	1.0

* 3-bedroom dwellings based on drawings *Miscellaneous Indicative Example House for 422m² Lots dwg 33801-PR2-806 & 807* from the amended engineering plan set.

**Site attracts 1.2ET demand for water due to lot size (>2,000m²), with future DA's on the site to consider the additional credit in assessment.

*** Development will attract high consumption non-residential charges following issuing of Occupation Certificate

West Yamba Water Headworks \$6,798 per additional ET

West Yamba Sewer Headworks \$16,073 per additional ET

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 2025/26 financial year are \$294.00 plus \$35.00 per additional lot (minimum \$294.00). An additional fee of \$134.00 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.

High Consumption Non-residential Water and Sewer Charges

This development is subject to high consumption non-residential charges for water and sewer in lieu of Section 64 Headworks Contributions. Current 2025/26 rates are as follows:

Area	2025/26 Consumption Charge (\$/kL)	High Consumption Charge (\$/kL)
Water - All areas	\$ 3.25	\$ 4.35 ¹
Sewer - Maclean, Townsend, Ilarwill, Lawrence, Iluka & Yamba	\$ 4.42	\$ 8.78 ²

¹ Applies to that component of water consumption above 1.233kL/day

² Applies to that component of sewage generation above 0.74kL/day

Pressure Sewer Servicing

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

- 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 2025/26 is \$18,215 per additional lot; or
- 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
- Install Council-accredited pressure sewer units on each additional lot, in accordance with Council's Pressure Sewer Policy, and pay a fee of \$4,194.00 (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 - \$5,472.50 (inc GST)
- Enviro One Services Simplex Unit - \$5,050.00 (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.

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
Staging Plan	E	33801-PR2-001	Mortons Urban Solutions	10 July 2025
Haulage Site Access Plan	D	33801-PR2-002	Mortons Urban Solutions	10 July 2025
Road Hierarchy, Staging Plan & General Notes Sheet 01	H	33801-PR2-005	Mortons Urban Solutions	9 April 2025
Road Hierarchy, Staging Plan Sheet 02	H	33801-PR2-006	Mortons Urban Solutions	20 March 2025
Dedication Plan	F	33801-PR2-007	Mortons Urban Solutions	9 April 2025
Demolition Key Plan	B	33801-PR2-015	Mortons Urban Solutions	9 April 2025
Demolition Plan Sheet 01	B	33801-PR2-016	Mortons Urban Solutions	9 April 2025
Demolition Plan Sheet 02	A	33801-PR2-017	Mortons Urban Solutions	22 August 2022
Tree Clearing and Preservation Plan Sheet 01	F	33801-PR2-030	Mortons Urban Solutions	22 January 2025
Tree Clearing and Preservation Plan Sheet 02	E	33801-PR2-031	Mortons Urban Solutions	20 March 2025
Bulk Earthworks, Cut and Fill Plan Sheet 01	H	33801-PR2-040	Mortons Urban Solutions	9 April 2025
Bulk Earthworks, Cut and Fill Plan Sheet 02	H	33801-PR2-041	Mortons Urban Solutions	20 March 2025
Bulk Earthwork Pad Levels Plan Sheet 01	C	33801-PR2-042	Mortons Urban Solutions	9 April 2025
Bulk Earthwork Pad	B	33801-PR2-	Mortons	20 March 2025

Levels Plan Sheet 02		043	Urban Solutions	
Bulk Earthwork Pad Levels Plan Sheet 03	B	33801-PR2-044	Mortons Urban Solutions	20 March 2025
Bulk Earthwork Pad Levels Plan Sheet 04	B	33801-PR2-045	Mortons Urban Solutions	20 March 2025
Bulk Earthwork Pad Levels Plan Sheet 05	B	33801-PR2-046	Mortons Urban Solutions	20 March 2025
Bulk Earthworks Pad Mount Substation Typical Details Plan and Section Sheet 01	B	33801-PR2-048	Mortons Urban Solutions	18 March 2025
Bulk Earthworks Pad Mount Substation Typical Details Plan and Section Sheet 02	B	33801-PR2-049	Mortons Urban Solutions	9 April 2025
Grading and Retaining Wall Sheet 01	I	33801-PR2-060	Mortons Urban Solutions	9 April 2025
Grading and Retaining Wall Sheet 02	I	33801-PR2-061	Mortons Urban Solutions	20 March 2025
Grading and Retaining Wall Detail	A	33801-PR2-062	Mortons Urban Solutions	20 March 2025
Retaining Wall Sections Sheet 01	A	33801-PR2-065	Mortons Urban Solutions	30 October 2024
Grading and Retaining Wall Plan Sheet 02	A	33801-PR2-066	Mortons Urban Solutions	30 October 2024
Grading and Retaining Wall Plan Sheet 03	A	33801-PR2-067	Mortons Urban Solutions	30 October 2024
Retaining Wall Details	C	33801-PR2-070	Mortons Urban Solutions	10 January 2025
Final Surface and Sediment and Erosion Plan Sheet 01	I	33801-PR2-080	Mortons Urban Solutions	9 April 2025
Final Surface and Sediment and Erosion Plan Sheet 02	I	33801-PR2-081	Mortons Urban Solutions	20 March 2025
Combined Service	I	33801-PR2-	Mortons	9 April 2025

Plan Overall Plan		090	Urban Solutions	
Combined Services Plan Sheet 01	I	33801-PR2-091	Mortons Urban Solutions	9 April 2025
Combined Services Plan Sheet 02	I	33801-PR2-092	Mortons Urban Solutions	20 March 2025
Roads Details Sheet 01	D	33801-PR2-120	Mortons Urban Solutions	22 May 2023
Roads Details Sheet 02	B	33801-PR2-121	Mortons Urban Solutions	22 August 2022
Roads Details Sheet 02	A	33801-PR2-123	Mortons Urban Solutions	14 April 2025
Sewer Reticulation Plan Sheet 01	H	33801-PR2-500	Mortons Urban Solutions	9 April 2025
Sewer Reticulation Plan Sheet 02	H	33801-PR2-501	Mortons Urban Solutions	20 March 2025
Stormwater Drainage Plan Sheet 01	H	33801-PR2-600	Mortons Urban Solutions	9 April 2025
Stormwater Drainage Plan Sheet 02	H	33801-PR2-601	Mortons Urban Solutions	20 March 2025
Stormwater Swales & Structures initial ROL earthworks	G	33801-PR2-645	Mortons Urban Solutions	9 April 2025
Stormwater Swales & Structures construction certificate earthworks plan	G	33801-PR2-646	Mortons Urban Solutions	9 April 2025
Stormwater Swales & Structures earthworks sections sheet 01	B	33801-PR2-647	Mortons Urban Solutions	22 August 2022
Stormwater Swales & Structures earthworks sections sheet 02	C	33801-PR2-648	Mortons Urban Solutions	7 December 2022
Stormwater Typical bio-pod plan sheet 01	C	33801-PR2-660	Mortons Urban Solutions	12 December 2022
Stormwater Typical bio-pod plan sheet 02	C	33801-PR2-661	Mortons Urban Solutions	12 December 2022

Stormwater Typical bio-pod details	B	33801-PR2-663	Mortons Urban Solutions	22 August 2022
Concept bio-pod	B	33801-PR2-664	Mortons Urban Solutions	22 August 2022
Detention basin overall plan	H	33801-PR2-665	Mortons Urban Solutions	9 April 2025
Detention basin – west plan & details	H	33801-PR2-666	Mortons Urban Solutions	14 April 2025
Detention basin – west sections	C	33801-PR2-667	Mortons Urban Solutions	24 May 2023
Detention basin – east plan & details	G	33801-PR2-668	Mortons Urban Solutions	20 March 2025
Detention basin – east sections	C	33801-PR2-669	Mortons Urban Solutions	8 December 2022
Stormwater existing catchment plan	D	33801-PR2-670	Mortons Urban Solutions	30 October 2024
Stormwater developed catchments	D	33801-PR2-671	Mortons Urban Solutions	30 October 2024
Catchment plan major	G	33801-PR2-672	Mortons Urban Solutions	9 April 2025
Catchment minor Sh 01	H	33801-PR2-673	Mortons Urban Solutions	9 April 2025
Catchment minor Sh 02	E	33801-PR2-674	Mortons Urban Solutions	22 January 2024
Catchment minor Sh 03	G	33801-PR2-675	Mortons Urban Solutions	14 April 2025
Catchment minor Sh 04	F	33801-PR2-676	Mortons Urban Solutions	20 March 2025
Stormwater Natural Flow Paths RL 0.70	I	33801-PR2-677	Mortons Urban Solutions	9 April 2025
Stormwater Natural Flow Paths RL 0.9	G	33801-PR2-678	Mortons Urban Solutions	9 April 2025
Stormwater Natural Flow Paths RL 1.10	G	33801-PR2-679	Mortons Urban	9 April 2025

			Solutions	
Water Reticulation Plan Sheet 01	I	33801-PR2-700	Mortons Urban Solutions	9 April 2025
Water Reticulation Plan Sheet 02	I	33801-PR2-701	Mortons Urban Solutions	14 April 2025
Proposal Plan Lot Layout Sheet 01	J	33801-PR2-800	Mortons Urban Solutions	9 April 2025
Proposal Plan Lot Layout Sheet 02	I	33801-PR2-801	Mortons Urban Solutions	14 April 2025
Proposal Plan Lot Mix Sheet 01	I	33801-PR2-802	Mortons Urban Solutions	9 April 2025
Proposal Plan Lot Mix Sheet 02	H	33801-PR2-803	Mortons Urban Solutions	14 April 2025
Ground Floor Plan	01	DA100	BKA Architecture	17 June 2025
First Floor Plan	01	DA110	BKA Architecture	17 June 2025
Roof Plan	01	DA120	BKA Architecture	17 June 2025
Elevations	01	DA200	BKA Architecture	17 June 2025
Elevations – Sheet 2	01	DA201	BKA Architecture	17 June 2025
Section A and B	01	DA300	BKA Architecture	17 June 2025
Signage Schedule	B	DA600	BKA Architecture	23 April 2025

Approved documents

Document title	Version number	Prepared by	Date of document
Stormwater Management Plan & Downstream Drainage Assessment	V4	Biome	15 June 2023
Acid Sulfate Soil Management Plan	N/A.	Regional Geotechnical Solutions	29 January 2025
NSW Rural Fire Service Bushfire Safety Authority	N/A.	NSW Rural Fire Service	23 January 2024
NSW Department of Planning and Environment –	N/A.	NSW Department of Planning and Environment - Water	13 December 2023

Water – General Terms of Approval			
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
Bushfire Risk Management Plan		Bushfire Safe Pty Ltd	December 2022
Biodiversity Development Assessment Report	V5	GeoLink	21 July 2023
Vegetation Management Plan Lot 46	Fifth	GeoLink	20 March 2025
Vegetation Management Plan Lot 47	Fourth	GeoLink	20 March 2025
Traffic Impact Assessment	005	Bitzios	23 April 2025
Haulage Assessment	005	Bitzios	16 April 2025
Landscaping Strategy	G	Zone Landscape Architects	12 June 2025
Landscape Plans for Neighbourhood Shops	B	Conzept Landscape Architects	25 June 2025
Shared Concept Shared Pathway Plan	B	Mortons Urban Solutions	20 December 2022
Flood Risk Assessment and Flood Emergency Management Plan	4	Martens	30 April 2025
Amended Construction Management Plan	E	Mortons Urban Solutions	11 July 2025
Draft Community Management Statement	4	Mills Oakley	No date

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 documents 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.

Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: To ensure compliance with the Building Code of Australia

3. **Liquid Trade Waste**

Should the shops or first floor areas' use be identified as discharging liquid trade waste, compliance with Council's Liquid Trade Waste Policy is required.

Condition reason: To ensure compliance with Council's Trade Waste Policy

4. **Staging Plan**

The development is to occur in accordance with the staging plan number 33801-PR2-001 prepared by Mortons Urban Solutions dated 10 July 2025, or as otherwise approved by Council. Lot 278 is to form part of Stage 1 and Lots 101 and 102 are to form part of Stage 6, rather than forming part of Stage 1, including in part Road No 1 that sits in front of lots 101 and 102. The staging plan is to take into account construction access arrangements. Access to the site for construction purposes is via Carrs Drive for stages 1, 2A and 2B only, with all other stages using Miles Street only.

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

4A. **Revised Civil Engineering Plans**

The revised civil engineering plans prepared by Mortons Urban Solutions referenced in Condition 1 above are to be amended to demonstrate that Lot 278 is adequately sized to facilitate the siting of the community refuge building consistent with the approved architectural plans (in particular, the 3.325m western setback to Lot 279).

Condition reason: To demonstrate that Lot 278 is sized in accordance with the architectural plans.

5. **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

6. **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.

7. **Legal point of stormwater discharge**

The legal and practical point of stormwater discharge of the development is nominated as the on-site second order stream, Miles Street and Carrs Drive.

Condition reason: To ensure the development can lawfully discharge stormwater

8. **Entry Gates**

Gates that prevent vehicular access within the subdivision are prohibited.

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

9. **Amended Dedication Plan**

Lots 901 and 902 are to remain under the ownership of the Community Association.

Condition reason: The dedication of Lots 901 and 902 to the Council is not supported.

Subdivision Work**Before Issue of a Subdivision Works Certificate****10. Amended Dedication Plan**

Before issue of the Subdivision Works Certificate, a revised Dedication Plan of the version dated 9 April 2025 prepared by Mortons Urban Solutions, as required under Condition 9 is to be submitted to Council for approval. The amended plan is to:

- (i) Include a notation that lot 903 is to be dedicated to Council under section 49 *Local Government Act 1993*.
- (ii) Include a notation that any roads proposed to be dedicated to the Council are to be dedicated as a public road free of cost in accordance with section 9 of the Roads Act 1993;
- (iii) Exclude Lots 901 and 902 from the lots proposed to be dedicated to the Respondent.

Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development

10A. Amended Staging Plan and Civil Engineering Plans

Before issue of the Subdivision Works Certificate, the plans as required under Condition 4 and 4A are to be submitted to Council for approval.

Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development

11. Flood and Emergency Evacuation Plan

Where required any changes to the structures and features approved under this development consent as required by the approved Flood Risk Assessment and Flood Emergency Management Plan are to be undertaken and if necessary, plans are to be submitted to Council for approval prior to issue of the Subdivision Works Certificate.

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

12. 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 that the design is compliant 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

13. Section 138

Prior to issue of a Subdivision Works Certificate approval under Section 138 of the *Roads Act 1993* shall be obtained from Council for any proposed works within the road reserve

and stormwater work. This application can be lodged via the NSW Planning Portal.
Condition reason: To Comply with the provisions of the *Roads Act 1993*

14. **Section 68**

Prior to issue of a Subdivision Works Certificate approval under Section 68 of the *Local Government Act 1993* shall be obtained from Council for any proposed sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal.

Condition reason: To Comply with the provisions of the *Local Government Act 1993*

15. **Design Certification Report**

A completed 'Design Certification Report' for the design 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

16. **Risk and Maintenance Management Assessment**

Prior to issue of the Subdivision Works Certificate (SWC) a risk and maintenance management assessment of infrastructure must be undertaken and documented by a suitably qualified person. The written acceptance of the assessment from the infrastructure owner is required to be submitted with the SWC.

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

17. **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.

Condition reason: 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

18. **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

19. **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

20. **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

21. **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

22. **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 approved Traffic Impact Assessment, 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.

23. **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.

24. **Carrs Drive Upgrade**

Prior to issue of the Subdivision Works Certificate for Stage 2a, 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.
- x. Provide any tie in works with the footpath south of the intersection with Road No. 1 and construction of a pedestrian refuge connecting to the existing footpath on the western side of Carrs Drive.

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.

25. **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 approved Traffic Impact Assessment, 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.

26. **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.

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

26A. **Turnaround area on Miles Street**

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.

26A. **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

27. **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.

28. **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

29. **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). The 2.5m shared path on the northern side of Road No.1 is to be extended from lot 21 to the intersection of Road No.1 and Carrs Drive.

Bike and pedestrian facilities only located 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.

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

30. **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.

31. **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, with a bus stop being provided at the proposed neighbourhood centre. 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

32. **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 in general accordance with the approved 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

33. **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

34. **Water Sensitive Urban Design**

Provision of bollards and/or barriers are to be provided within the road reserves to prevent vehicles parking within the stormwater swales. Details of such are to be submitted and approved by the principal certifier or Council prior to the issue of a Subdivision Works Certificate.

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

35. **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 approved civil engineering plans contained within condition 1.

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

36. **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 and is to be generally consistent with the approved documentation in condition 1.

Note Whilst it acknowledged that the development application does not propose dredging, Council's preference is material for landfilling is to be sourced via dredge material from the Clarence River.

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

37. **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

38. 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.

39. 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

40. Erosion and sediment control plan

Before the issue of a Subdivision Works Certificate, a Stage Specific erosion and

sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council or accredited Private Certifier. This shall be compatible with:

- a) The approved Stormwater Management Plan
- b) Council's relevant development control plan,
- c) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
- d) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

41. **Landscaping for Open Spaces and Road Reserves**

A detailed landscape plan generally consistent with the approved landscape strategy, prepared by a person competent in the field is to be submitted to the principal certifier or 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 park 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 of the approved Landscape Strategy. The fence along the side boundaries of lots 28 and 29, that adjoin the proposed passageway, is to be relocated to the property boundary.
- i. Details of any entry signage to the subdivision. Signage is not permitted on public land.
- j. Landscaping with horizontal growing grasses within the easement sits for electrical substations.

Condition reason: To ensure that the development is adequately landscaped and

maintained, and in accordance with the approved plans.

42. **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 to the principal certifier or Council for approval. The infrastructure is to generally align with those shown on the approved landscape strategy and the following requirements:

- a. The minimum width of all shared bicycle/footpaths shall be 2.5m.
- b. 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.
- c. Provision of four (4) on-street car parking spaces inclusive of one (1) accessible space on road frontages adjacent to the open space area.

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

43. **Acid Sulfate Soils Management Plan**

An updated Acid Sulfate Soil Management Plan must be submitted to, and approved by Council prior to issuing Subdivision Works Certificate which nominates an area to treat and stockpile material on-site.

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

44. **Vegetation Management Plan**

Prior to the issue of a Subdivision Works Certificate, the applicant must prepare, submit to Council and obtain approval for an updated 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).
- 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

45. **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 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
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	14	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.

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			Or From an IBRA subregion within 100km of the outer edge of the impact site
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	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site
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	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	3	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

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

46. **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	28	No	IBRA Region: South Eastern	Credits from the

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			Queensland, orAny IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	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	9	No	South Eastern Queensland, or Any IBRA subregion that is within 100	Credits from the Tier 3 or higher threat status , that also

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			kilometers of the outer edge of the impacted site	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 Wales North Coast Bioregion This includes PCT's: 621, 686, 761, 762, 837, 848, 852, 971, 1062, 1091, 1092,	3	No	South Eastern Queensland, or Any IBRA subregion that is within 100 kilometers of the outer edge	Credits from the Tier 3 or higher threat status , that also represent Forested Wetlands

1106, 1215, 1227, 1230, 1333, 1588, 1594, 1598, 3067, 3102, 3420, 3428, 3574, 3984, 4002, 4003, 4005, 4032, 4033, 4036, 4042, 4045, 4046			of the impacted site	
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

47. 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 / Spider orchid	8	Anywhere in NSW	Dendrobium melaleucaphilum / Spider orchid
yotis macropus / Southern Myotis	67	Anywhere in NSW	yotis macropus / Southern Myotis

Rotala tripartita / Rotala tripartita	11	Anywhere in NSW	Rotala tripartita / Rotala tripartita
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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

48. **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 / Spider orchid	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 / Southern Myotis	67	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 Vulnerable or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also an “animal”
Rotala tripartita / Rotala tripartita	11	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir.orAny IBRA subregion that is within 100	Any species with a listing of Endangered or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also a

		kilometers of the outer edge of the impacted site.	"plant"
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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. **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

50. **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)

51. **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

52. **Commencement of Works**

No construction including removal of vegetation and topsoil is to be commenced until a Subdivision Works Certificate has been issued.

Condition reason: To ensure all approvals are obtained prior to works commencing

53. **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

54. 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 relevant stage of the development.

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

55. Construction Site Management Plan

Before site work commences, an updated Construction Site Management Plan must be prepared, and provided to Council or accredited Private Certifier a minimum of seven days prior to commencing any works. The plan shall set out the construction approach for the works and should seek to minimize disruption to the local community. The CEMP shall be approved by Council or Private Certifier prior to works commencing on the site and must include the following matters:

- 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 approved Acid Sulfate Soil Management Plan.
- n Details of commitments and measures set out in the approved Native Vegetation Management Plans.
- o Details of any recommendations contained within the approved Haulage Assessment including limiting the number of trucks transporting general fill material to 54 vehicles per day and prohibiting haulage between 2.30pm and 3.30pm on school days.

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

56. 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

57. 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**58. Construction of Infrastructure and Services**

Construction of required infrastructure and services is to be in accordance with the applicable Clarence Valley Council Development Control Plans Austroads, AS2890, Northern Rivers Local Government Development Design and Construction Manual.

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

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. **Water Meters (single dwelling/lot)**

A separate property service with water meter shall be provided for each dwelling/lot. The water meters must be of a type approved by Council or purchased from Council and located in an accessible location at the property boundary for maintenance and reading purposes.

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

64. **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

65. **Soil management**

While site work is being carried out, Council must be reasonably satisfied all soil removed from or imported to the site after the grant of this consent 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

66. **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

67. **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

68. **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

69. **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

70. **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

71. **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

72. **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

73. **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

74. **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

75. **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

76. **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

77. **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

78. **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

79. Deleted

79A. **Section 7.11 Contributions**
Payment to Council of the contributions pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979:

Clarence Valley Local Infrastructure Contributions Plan 2025 - Yamba Catchment

Road Transport \$1,882,417.30	GL s711RoadsLGA
Road Transport (Yamba Urban Bypass & Urban Intersection) \$1,625,037.77	GL s711RoadsYamba
Active Transport \$320,646.00	GL s711ActiveTransport
Open Space and Recreation \$ 1,610,419.38	GL s711OpenSpaceRec
Plan Administration and Management \$81,479.55	GL s711PlanAdminMgmt

N.B.

Indexation

The monetary contribution must be indexed between the date of this consent and the date of payment in accordance with the adopted Schedule of Contribution Rates as published on Council’s website.

Council indexes contributions annually in accordance with the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician. The annual indexation will be undertaken based on the March reference period for the following financial year.

Note: The contribution payable will not be less than the contribution specified in this certificate.

Time for payment

The contributions are to be paid to Council prior to issue of the Subdivision Certificate/ Building Construction Certificate/Operational Development Consent, as required by section 156(2)(b) of the *Environmental Planning and Assessment Regulation 2021*.

Deferred payments of contributions will not be accepted.

Modifications

In the event of any subsequent modification to the approved Development Plans, the calculated contribution amounts will be updated and if so will become the contribution payable.

Works in kind agreement

This condition does not need to be complied with to the extent specified in any planning agreement for works in kind entered into between the developer and the Council.

Condition reason: To comply with Council's Contributions Plans

80. **Construction of Community Refuge Building**

An Occupation Certificate for the community refuge building is to be issued prior to release of the Subdivision Certificate for Stage 1.

Condition reason: To ensure that adequate infrastructure and services are provided to the development

81. **Management of Stormwater Facilities**

Prior to the release of the Subdivision Certificate for each and every stage of the subdivision, the stormwater facilities as generally identified in the approved stormwater management plan, are to be provided, including the following:

- a. the Water Sensitive Urban Design (WSUD) elements;
- b. a Community Management Statement including reference to the specific stormwater management approach for the subdivision;
- c. suitable education and information relating to the stormwater management functioning for the subdivision for both stormwater quality and stormwater quantity to be provided to the Community Association;
- d. Provide the Community Association with the Maintenance Management Plan for Stormwater Quality Improvement Devices (SQUIDS) to be incorporated into a future Verge Management Plan;
- e. Provide information signage within the subdivision describing the stormwater management facilities implemented for the subdivision;
- f. Demonstrate how the drainage facilities for each stage will convey flows and connect to the facilities for existing stages and how any future stage works will link to the proposed works.

Condition reason:

82. **Stormwater Quality Improvement Devices Maintenance Management Plan**

A stormwater information and education package and Stormwater Quality Improvement Devices (SQUIDS) Maintenance Management Plan is to be referenced in the Community Management Statement (CMS) for the subdivision. A copy of this information package is to be provided to Council prior to issuing the Subdivision Certificate for each stage of the subdivision.

Condition reason: to ensure suitable maintenance is provided

83. Maintenance of Infrastructure

A covenant identifying the infrastructure maintenance responsibilities of the Community Association is to be prepared for each stage of the development and authorised and approved by Council. The Community Association is responsible for the ongoing maintenance of all infrastructure within the site owned and controlled by the Community Association including stormwater, roads, water and sewer within the development.

Condition reason: to ensure suitable maintenance is provided

84. Maintenance of Landscaping

A covenant identifying the landscaping maintenance responsibilities of the Community Association is to be prepared for each stage of the development and authorised and approved by Council. This covenant is to identify the public liability insurance requirements to be held by the Community Association in perpetuity for parts of the road reserve to be dedicated to Council.

Condition reason: to ensure suitable maintenance is provided

85. Maintenance of Landscaping

Full details of street tree, tree management and fencing atop retaining walls including the on-going management arrangements (including replacement plantings) are required to be submitted and approved prior to issue of Subdivision Certificates for each stage and shall form part of the Community Association Management Plan.

Condition reason: to ensure suitable maintenance is provided

86. Flood and Emergency Evacuation Plan

The Community Management Statement (CMS) is to detail ongoing use and occupation of the development to be undertaken in accordance with the approved Flood Risk Assessment and Flood Emergency Management Plan including maintenance of flood related information, structures and as it relates to the community refuge building.

The community refuge building is to be regularly maintained in accordance with the Flood Risk Assessment and Flood Emergency Response Plan to include food supplies, bedding, medical supplies and flood emergency kits (including lifejackets).

The relevant terms in the CMS must be confirmed by the author of the approved Flood Risk Assessment and Flood Emergency Management Plan, or another suitably qualified person.

The approved Flood Risk Assessment and Flood Emergency Management Plan must be appended to the Community Management Statement.

The Flood Emergency Response Plan is to be updated at least every five (5) years and after any 5% Annual Exceedance Probability flood event or an update to the Yamba Flood Risk Management Study, Yamba Flood Risk Management Plan or the NSW State Emergency Service Flood Emergency Sub Plan as it applies to Yamba.

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

87. Community Management Statement

A final Community Management Statement (CMS) must be prepared generally in accordance with the draft Community Management Statement referenced in Condition 1

and in accordance with the provisions of the Community Land Development Act 1989 and Community Land Management Act 1989. The Community Management Statement will include the following key elements:

- a. Bylaws to ensure the development is managed and maintained in accordance with the conditions of this approval
- b. Community property obligations
- c. Flood and Emergency Evacuation as identified in Condition 86
- d. Ongoing maintenance of all retaining walls/structures and fencing
- e. Ongoing maintenance of the open space lot including all embellishments
- f. Ongoing maintenance responsibilities for infrastructure servicing the development including roads, water, stormwater infrastructure including basins and sewer
- g. Ongoing maintenance and management of the community refuge building including any required measures in the approved Flood Risk Assessment and Flood Emergency Management Plan.
- h. A requirement that Community Association will be lawfully registered as a not-for-profit community organisation from commencement and for the ongoing operation of the Community Association. The use of the flood refuge level also as a 'community facility' requires the Community Association to be registered as a not-for-profit community organisation. Should the Community Association not be able to be registered as a not-for-profit community organisation, the use of the flood refuge as a community facility is not a lawful use of the land and the development consent must be modified to remove the 'community facility' land use from the development consent.
- i. Waste service collection must be provided by a commercial waste service contractor with indemnity signed between the property owner and collection contractor for use of the Community Association Land while collecting waste. All waste generated by the development is to be disposed of to a Council approved waste facility and all fees and charges for disposal are to be borne by the developer.
- j. A requirement to obtain prior to commencement of the Community Association, and to maintain during the staged development and ongoing operation of the Community Association, public liability insurance not less than \$20,000,000 to appropriately cover issues related to the servicing of the site by third parties, including but not limited to waste collection and transport services and relevant insurance as specified under Part 9 of the Community Land Management Act 2021 and in relation to servicing of the site;
- k. Any other matters required to be included

Condition reason: to ensure suitable maintenance is provided for Community Association land in accordance with the development consent

88. **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

89. **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)

90. **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 Community Association land in accordance with the development consent

91. **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.

92. **Completion of public utility services**

Before the issue of the Subdivision Certificate for each stage, a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of Council or accredited Principal Certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any damage to the pavement or roadside infrastructure of Carrs Drive, from the site access through to the intersection of Harold Tory Drive or any adjoining buildings; and
- b) where there has been damage to any adjoining public infrastructure, that it is a result of the work approved under this development consent, and
- c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

Condition reason: To identify any damage to adjoining properties resulting from site work on the development site

93. **Completion of public utility services**

Before the issue of the Subdivision Certificate for each stage, documentation must be submitted by a registered surveyor to Council or accredited Principal Certifier, which demonstrates that:

- a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Condition reason: To protect the state's survey infrastructure

94. **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

95. **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

96. **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

97. **Certificate of Compliance**

A Certificate of Compliance for Water and 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

98. **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

99. **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.

100. **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

101. **Footpath easement**

An instrument under the Conveyancing Act 1919 must establish the following positive covenants, with the Council having the benefit of these covenants and having sole authority to release and modify, over the perimeter shared footpath adjacent to Road 1 and 11 for public access.

Condition reason: To comply with Council's Development Control Plan

102. **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

103. **Dedication of land for Road Widening**

Prior to issue of the Subdivision Certificate the dedication of land Section 9 of the *Roads Act 1993* consistent with the Dedication Plan dated 9 April 2025 prepared by Mortons Urban Solutions for the full frontage of Lot 46 DP 751395 and Lot 47 DP 751395 adjacent to Carrs Drive and Miles Street as road reserve will be required as part of the Subdivision Certificate to ensure the required road formation is located within the defined road reserve as applicable to the relevant stage of the development in accordance with the approved staging plan.

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

103A. **Dedication of land**

Prior to issue of the Subdivision Certificate for Stage 11 the dedication of Lot 903 to Council under Section 49 of the *Local Government Act 1993* is required in accordance with the amended Dedication Plan required under condition 10.

Condition reason: To enable land that is to be dedicated to Council

104. **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

105. **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

106. **Restriction-as-to-user for Stormwater Management**

An instrument under the Conveyancing Act 1919 must establish the following positive covenants, with the Council having the benefit of these covenants and having sole authority to release and modify. The covenant must be prepared by the developer's Solicitor at the developer's cost prior to the issue of the Subdivision Certificate for any stage of the development.

- a. To ensure on any lot containing an onsite stormwater re-use 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 are permitted to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.
- b. To ensure on any lot or community land containing a nutrient/pollution control facility 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 are permitted to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.
- c. To ensure the proposed areas of nutrient control facilities (bio-filtration swale/basins) within the road verges are maintained and should also ensure 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 are permitted to inspect and repair the facility at the Community Associations cost.

Council is indemnified against all claims of compensation caused by the facility.

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

107. **Water Sensitive Urban Design**

Prior to issue of any Subdivision Certificate which includes 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

108. **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

109. **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

110. **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

111. **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

112. **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

113. **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

114. **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.

115. **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

116. **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

117. 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

118. 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

119. 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

120. 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

121. 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 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

122. **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

Occupation and Ongoing Use

123. **Maintenance of stormwater treatment device**

Maintenance of the nutrient/pollution control facilities area to be carried out by the Community Association in accordance with the operation and maintenance plan.

Condition reason: To protect stormwater systems

Building Work**Before Issue of the Construction Certificate**

124. **Deleted**

125. **Deleted**

126. **Plan of Management**

Prior to the issue of a Construction Certificate for the neighbourhood shops/community facility/flood refuge building a Plan of Management for the operation and the use of this part of the development shall be submitted to Council. The Construction Certificate is not to be issued until the Plan of Management has been approved by Council. The Plan of Management is to detail (but not limited to):

- a. Details of the use of the upper level to ensure it is limited to the physical, social, cultural or intellectual development or welfare of the community.
- b. Noise Management Plan;
- c. Hours of Operation for the upper level;
- d. Maximum number of Patrons if the upper level were used for a community purpose, a maximum limit of 50 persons should be applied, and events are to occur outside of typical operating hours of the ground floor uses and limited to not before 7am and not after 10pm. Should a shop be operating during the evening periods, then the capacity of people is to drop on formula of 10 less people for every shop in operation.
- e. Emergency evacuation plans should be updated and maintained to assist staff and emergency
- f. Evacuation plans to assist emergency services and staff in the event of an emergency.
- g. Loading and unloading operations being confined to within the property.
- h. A graffiti management plan. It is recommended that graffiti resistant materials being used in construction of the buildings.
- i. Procedures for the management of potential odour emissions; and
- j. Procedures for managing waste.

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

127. **Lighting of Public Places**

Before the issue of a Construction Certificate, plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the following requirements:

- a. comply with AS 1158: Lighting for Roads and Public Spaces;
- b. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting;
- c. lighting must be placed at all entrances to, and exits from the premises;
- d. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- e. lighting must not interfere with traffic safety;

- f. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties;
- g. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance; and
- h. comply with relevant council Development Control Plan

The lighting plan must be submitted to and approved by Council prior to issue of the Construction Certificate.

Note – All above documents refer to the version in effect at the time the consent is granted.

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

128. **Section 138 Roads Act**

Prior to issue of a Building Construction Certificate approval under Section 138 of the *Roads Act 1993* shall be obtained from Council for any proposed works within the road reserve.

Condition reason: To Comply with the provisions of the *Roads Act 1993*

129. **Erosion and sediment control plan**

Before the issue of a Construction Certificate, erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council or accredited Private Certifier. This shall be compatible with:

- e) The approved Stormwater Management Plan
- f) Council's relevant development control plan,
- g) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
- h) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

130. **Schedule of external finishes and colours**

A schedule of all external finishes and colours are to be submitted to, and approved by Council prior to release of the Construction Certificate. The main colour of the building façade is to be in neutral colour.

Condition reason: To ensure the proposed development is compatible with the subject land and/or adjacent land

131. **Prevention of glare nuisance**

The roof covering is to be of a colour or finish which does not produce glare which adversely affects the amenity of nearby properties. Details of how this to be achieved are to be shown on the construction certificate plans.

Condition reason: To ensure that the roof material does not produce a glare nuisance to nearby properties

132. **Section 68 Sanitary Plumbing & Drainage**
Prior to issue of a Construction Certificate approval under Section 68 of the *Local Government Act 1993* shall be obtained from Council for sewerage work, water plumbing and stormwater work. This application can be lodged via the NSW Planning Portal.
Condition reason: To Comply with the provisions of the *Local Government Act 1993*
133. **National Construction Code (NCC) report**
A NCC report shall be submitted with the construction certificate application for the commercial building (five shops and assembly area above) demonstrating compliance with the NCC.
Reason: To ensure compliance with the NCC.
134. **Application to Discharge Liquid Trade Waste**
Prior to issue of the Building Construction Certificate an application to discharge liquid trade waste to Council's sewerage system shall be submitted for assessment. Detailed trade waste drainage plans shall be submitted with the application.
Condition reason: To ensure compliance with Council's Trade Waste Policy
135. **Flood and Emergency Evacuation Plan**
Where required any changes to the structures and features approved under this development consent as required by the approved Flood Risk Assessment and Flood Emergency Response Plan are to be undertaken and if necessary, plans are to be submitted to Council for approval 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
136. **Car parking details**
Before the issue of the relevant Construction Certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking and council's Residential Zones Development Control Plan (in force as at the date of determination of this consent).
Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP
137. **Construction Site Management Plan**
Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the certifying authority. The plan must include the following matters:
- 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 any 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, and is to include the interface relationship with the school located on the northern side of Miles Street;
- j) The location of temporary toilets;
- k) The staging plan, as it relates to construction purposes, will use Road No 4, within Stage 10 to service Stages 9 and 10.

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

138. **Stormwater Management**

Prior to issue of the Building Construction Certificate, plans shall be submitted to Council or accredited Private Certifier which detail stormwater controls within the site that are generally consistent with the approved Stormwater Management Plan.

A 100,000 litre rainwater tank to supply the community refuge building is required in addition to any stormwater quality and/or quantity measures to service the development.

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

139. **Landscaping**

A detailed landscape plan generally consistent with the approved landscape document, prepared by a person competent in the field is to be submitted to Council for approval prior to the issue of the Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program. All species are to be native, preference is to be given to local endemic species. The plan must also include the following information:

- k. 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.
- l. Specified trees to be sourced from nurseries that grow to AS 2303:2018 Tree stock for landscape use.
- m. The replacement of some Lilly Pillies with a Blueberry Ash along the western boundary, or other alternate species that grows to 8m -10 metres. These trees are to be spaced approximately 20m apart.

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

Before Building Work Commences

140. **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

141. **Issue of Construction Certificate**

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

Condition reason: To ensure that the works comply with the state's building regulations

142. Erosion and sediment controls in place

Before any site work commences, the Principle Certifier or Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways

143. Toilet Facilities

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

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

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

Condition reason: To provide onsite facilities in accordance with work health and safety requirements

144. Traffic control plan

A traffic control plan shall be prepared by a Transport for NSW accredited person for the temporary traffic signage layout, showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve during the demolition/construction process. The traffic control plan shall be submitted to and approved by Council prior to works commencing.

Condition reason: To ensure traffic movements around the site are safely managed

145. Disposal of Waste

A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

Condition reason: To ensure waste material is appropriately disposed

146. 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:

- a Showing the name, address, and telephone number of the principal certifier for the work, and
- b 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
- c 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)

During Building Work

147. **Minimum floor level requirements- flooding**
The floor level of the first level is to be a minimum of 7.2 metres Australian Height Datum (AHD). A certificate indicating the height of first level (related to AHD) is to be forwarded to the Principal Certifying Authority.
In the case of timber floors, on completion of the floor framing;
In the case of concrete slabs when formwork is in place but prior to pouring concrete.
This certificate is to be provided by a Registered Surveyor. No further work is to be carried out on the building until such certificate is provided to the Principal Certifying Authority.
Condition reason: To meet Council's Floodplain Management Controls
148. **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
149. **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
150. **Waste management Plan**
The waste management plan submitted with this application shall be complied with during demolition/construction work.
Condition reason: To recycle and reuse resources where possible and reduce the amount of construction waste going to landfill
151. **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
152. **Procedure for critical stage inspections**
While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
Condition reason: To require approval to proceed with building work following each critical stage inspection
153. **Waste enclosure**

A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.

Condition reason: To ensure waste material is appropriately disposed of

154. **Surveys by a registered surveyor**

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a All footings / foundations in relation to the site boundaries and any registered and proposed easements
- b At other stages of construction - any marks that are required by the principal certifier.

Condition reason: To ensure buildings are sited and positioned in the approved location

155. **Water Meters (10 or more dwellings)**

A single property service with a single meter servicing the development shall be installed. Council recommends individual isolation valves be installed on each commercial unit. Privately owned water meters may be installed within the property, but such private meters will be the responsibility of the property and will not be read or maintained by Council. The single Council water meter must be of a type approved by Council or purchased from Council and located in an accessible location at the property boundary for maintenance and reading purposes.

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

156. **Erosion and sediment control**

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 any damage to public infrastructure is rectified and public works can be completed

157. **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

Prior to issue of the Occupation Certificate

158. **Occupation Certificate**

The development is not to be occupied or used until such time as an Occupation Certificate has been issued.

Condition reason: To ensure the safety of the occupants

159. **Approval to Discharge Liquid Trade Waste**

Approval to discharge liquid trade waste to Council's sewerage system shall be obtained prior to issuing the Occupation Certificate.

Condition reason: To ensure compliance with Council's Trade Waste Policy

160. Completion of public utility services

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

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

161. Completion of public utility services

Before the issue of the Occupation Certificate, a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of Council or accredited Principal Certifier, detailing whether:

- d) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any damage to the pavement or roadside infrastructure of Carrs Drive, from the site access through to the intersection of Harold Tory Drive or any adjoining buildings; and
- e) where there has been damage to any adjoining public infrastructure, that it is a result of the work approved under this development consent, and
- f) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

Condition reason: To identify any damage to adjoining properties resulting from site work on the development site

162. Completion of public utility services

Before the issue of the Occupation Certificate, documentation must be submitted by a registered surveyor to Council or accredited Principal Certifier, which demonstrates that:

- c) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- d) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Condition reason: To protect the state's survey infrastructure

163. Certificate of Compliance

A Certificate of Compliance for Water and Sewer works must be obtained from Council prior to or issue of the Building Occupation Certificate. This may require payment of a fee.

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

164. Provision of Water and/or Sewer Reticulation

Prior to issue of the Occupation Certificate, the applicant is to provide water supply and sewerage reticulation infrastructure to service the development, 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

165. **Construction of Carparks and Access**
Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the approved plan prior to issue of the Occupation Certificate.
Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development
166. **Onsite Visitor Parking**
Prior to release of the Occupation Certificate, all on-site visitor parking spaces are to be clearly marked, and a sign or signs conspicuous and legible from the street are to be permanently displayed indicating that visitor parking is available on the site.
Condition reason: To ensure that vehicular access and parking are provided in accordance with Council's Engineering Specifications for Development
167. **Revegetation of Site**
Prior to issue of the Occupation Certificate 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 works.
Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways

Occupation and Ongoing Use

168. **Flood and Emergency Evacuation Plan**
The ongoing use and occupation of the development is to be undertaken in accordance with the approved Flood Risk Assessment and Flood Emergency Management Plan including maintenance of flood related information, structures and as it relates to the community refuge building.

The community refuge building is to be regularly maintained in accordance with the Flood Risk Assessment and Flood Emergency Response Plan to include food supplies, bedding, medical supplies and flood emergency kits (including lifejackets).

The Flood Emergency Response Plan is to be updated at least every five (5) years and after any 5% Annual Exceedance Probability flood event or an update to the Yamba Flood Risk Management Study, Yamba Flood Risk Management Plan or the NSW State Emergency Service Flood Emergency Sub Plan as it applies to Yamba.

The updates to Flood Emergency Management Plan must be made by a suitably qualified person and be submitted to Council for review and approval. Approved updated plans must be appended to the Community Management Statement.
Condition reason: To ensure that adequate infrastructure and services are provided in accordance with Council's Engineering Specifications for Development
169. **Complaints register**
A complaints register is to be kept in the event that complaints are received from the general public on the estate. Full details of the complaint are to be recorded including date, name, address, nature of the complaint and the outcome of the complaint. The register is to be made available on request by NSW Police or Council officers.
Condition reason: To keep a record of complaints to assist NSW Police or Council officers

170. **Bin storage areas and containers**
All waste and recycling storage is to be wholly located within dedicated bin storage areas and secured in enclosed containers and adequately screened from public view with an opaque fence and/or adequate landscaping. The bin collection points are to be level, free of obstructions and with sufficient height clearance to enable safe collection and serving of garbage bins.
Condition reason: To ensure waste material is appropriately stored, screened and adequate
171. **Ongoing Maintenance of Landscaping**
The on-site landscaping is to be maintained on a regular basis, to comply with the approved plans.
Condition reason: To ensure that the development is adequately landscaped and maintained, and in accordance with the approved plans
172. **Liquid Trade Waste**
Vehicles shall be contained wholly within the site whilst servicing trade waste pre treatment equipment such as grease arrestors.
Condition reason: To ensure compliance with Council's Trade Waste Policy
173. **Operation of Community Refuge Building**
The premises shall be operated and managed in accordance with the approved Plan of Management.
Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development
174. **Waste Services**
Adequate waste services must be provided to all premises to prevent health or environmental concerns.
Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development
175. **Loading and unloading Operations**
Loading and unloading operations being confined to within the property.
Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development
176. **Mechanical Ventilation Systems**
During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.
Condition reason: To ensure that the surrounding environment is not detrimentally affected as a result of the development
177. **Food Preparation**
During ongoing use of the premises, food preparation that generates heated air, smoke, fumes, steam or grease vapours must not be undertaken unless mechanical ventilation and a grease arrestor has been approved by Council in writing and installed.

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

178. **Noise Complaints**

Should a complaint be received by Council and the noise determined to be “offensive noise” as defined under the *Protection of the Environment Operations*, the applicant shall engage a suitably qualified acoustic consultant who is accredited by The Association of Australasian Acoustic Consultants or Australian Acoustical Society at their expense to prepare or review a Noise Impact Assessment (NIA) and recommend reasonable and feasible methods of attenuation to be undertaken if deemed necessary. The operator/owner is to implement the recommendations of the NIA within a timeframe specified by Council's authorised officer.

Condition reason: To ensure attenuation measures are installed in accordance with an accredited consultant report if offensive noise is identified

179. **Offensive Noise**

The use of the premises must not generate offensive or intrusive noise in accordance with the NSW EPA's *Noise Policy for Industry 2017* and *Protection of the Environment Operations Act 1997*.

Condition reason: To ensure the premise is not generating offensive or intrusive noise

180. **Ongoing Maintenance of Landscaping**

The onsite landscaping is to be maintained on a regular basis, to comply with the approved plans.

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

181. **Lighting of Public Places**

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.

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

182. **Signage**

A separate application shall be submitted to Council prior to the erection of any signage not shown on the approved plans unless the proposed signage is ‘exempt development’ under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Condition reason: To ensure any signage is assessed in accordance with the planning controls

Demolition Work

Before Demolition Work Commences

183. **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

184. **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.

185. **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

186. **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
187. **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
188. **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
189. **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

190. **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

191. **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

192. **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

193. **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

194. **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