

Annexure A

**DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF
CONSENT**

Development Application No: DA2023/0241
Development: 146 Dwelling Manufactured Home Estate
Site: 110 and 120 Carrs Drive Yamba, Lot 2 DP 733507 and Lot 32
DP 1280863

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

Date of determination: 6 June 2025

Date from which consent takes effect: Date of determination

The conditions of consent are as follows:

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 Council's sewerage system, as follows:

Water 0.6 ET per 2 bedroom dwelling and 0.8ET per 3 bedroom unit
Sewer 0.75 ET per 2 bedroom dwelling and 1.0 ET per 3 bedroom unit

The headwork charges at 2024/25 financial year rates are:

West Yamba Water Headworks \$6,637.00 per additional ET
West Yamba Sewer Headworks \$15,693.00 per additional ET

ET means 'equivalent tenement'

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.

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 No	Revision number	Plan Title	Drawn by	Date of plan
DA1001	H	Master Site Plan	Mark Shapiro Architects	24/11/2024
DA1002	H	Site Setout Plan	Mark Shapiro Architects	24/11/2024
DA1003	H	Staging Plan	Mark Shapiro Architects	24/11/2024
DA2000	H	Site Roof Plan	Mark Shapiro Architects	24/11/2024
DA2001	H	Communal Facilities Floor Plan	Mark Shapiro Architects	24/11/2024
DA2002	H	Multipurpose Plan	Mark Shapiro Architects	24/11/2024
DA2003	H	Roof Plan	Mark Shapiro Architects	24/11/2024
DA2300	H	Major Sections	Mark Shapiro Architects	24/11/2024
DA2400	H	North and South Elevations	Mark Shapiro Architects	24/11/2024
DA2401	H	East and West Elevations	Mark Shapiro Architects	24/11/2024

Approved Documents

Document	Prepared by	Version/Date
Acid Sulfate Soil and Investigation Management Plan	Precise Environmental Pty Ltd	Ver 2.6, 11 September 2024
Biodiversity Development Assessment Report	Prepared by Ecosure	Rev 13, 8 April 2025
Bushfire Assessment Report	Building Code & Bushfire Hazard Solutions Pty Limited	Ver 3, 10 September 2024
Earthworks Management Plan	MDE	Rev 2, 3 September 2024
Flood Risk Assessment and Flood Emergency Response Plan	Martens	Ver 5, 24 March 2025
Proposed Carrs Drive Road Upgrade Works	MDE	Rev 1, 21 October 2024
Civil Engineering Plans - Proposed Manufactured Housing Estate 'Clifton Yamba'	MDE	Rev 3, 26 August 2024
Remediation Action Plan	Easterly Point Environmental	3 June 2024
Staged Soil and Water Management Plan	MDE	Rev 1, 5 September 2024
Statement of Landscape Intent	Zone Landscape Architecture	Rev K, 10 September 2024
Stormwater Management and Inspection	MDE	Rev 1, 3 September 2024

Maintenance Plan		
Stormwater Management Plan	MDE	Rev 3, 23 August 2024
Vegetation Management Plan	Ecosure	Rev 08, 12 September 2024

In the event of any inconsistency with the approved plans or 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. **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 the Department of Planning and Environment – Water, letter dated 3 May 2024, consisting of five (5) pages, and as attached to this Notice of Determination. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition reason: To comply with legislative requirements

3. **Staging Plan**

An amended staging plan is to be submitted to Council for approval generally in accordance with the staging plan number DA1003 (Revision H) prepared by Mark Shapiro Architects dated 24 November 2024 which includes the Community Facility including Flood Refuge area in Stage 1, or as otherwise approved by Council.

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

4. **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 and Carrs Drive.

Condition reason: To ensure the development can lawfully discharge stormwater

5. **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

6. **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

7. **Completion of Infrastructure**

Prior to the issue of any approval to operate a manufactured home estate on the site for each stage of work, the Applicant is to provide written confirmation to the Council that all internal roads and services (including water, stormwater, sewer and electricity) that are relevant to the stage of works have been constructed or installed.

Condition reason: To ensure facilities are in place to support residents

8. **Design and Construction**

The proposed development (for each stage) shall be designed, constructed, maintained and operated in accordance with the requirements of Division 3 of Part 2 of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

Condition reason: To ensure required design and construction is met

9. **Local Government Regulation**

All manufactured homes proposed to be located within the manufactured home estate must comply with the provisions of Division 4 of Part 2 of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, excluding sections where concurrence has been obtained relating to an objection pursuant to Section 82(3) of the *Local Government Act 1993*.

Condition reason: To ensure compliance with the *Local Government Act 1993*

10. **Available documentation**

The holder of the Approval to Operate the Manufactured Home Estate must ensure that copies of the following documents must be readily available for inspection (without cost) by an occupant of the manufactured home estate:

- a) the approval for the manufactured home estate,
- b) the current community map,
- c) the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
- d) Flood Risk Assessment and Flood Emergency Response Plan approved and referred to in condition 1.

Condition reason: To ensure documents must be readily available

11. **Manufactured Homes & Associated Structures**

Council must be given written notice of the installation of a manufactured home or associated structure within the site within 7 days after its completion. The notice:

- a) must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and
- b) must include the particulars contained on each compliance plate relating to the manufactured home or associated structure.

The notice must be accompanied by:

- a) a copy of the engineer's certificate for the manufactured home or associated structure, and
- b) a fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of Part 2 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* have been complied with.

Condition reason: To comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*

12. **NOT USED**

13. **Fire Hydrants**

No part of a dwelling site or community building shall be located more than 90 metres from a double headed pillar type fire hydrant. The design of the fire hydrant system shall include a design certificate from an accredited fire safety practitioner.

Condition reason: To ensure the fire hydrant system is appropriately designed.

14. **Asset Protection Zone**

An Asset Protection Zone shall be established prior to commencement of building works and maintained in accordance with the requirements of the NSW Rural Fire Service document titled Planning for Bushfire Protection 2019 in the Bushfire Attack Overlay contained within approved Bushfire Assessment Report referred to in condition 1.

The Inner Protection Area (IPA) shall have a tree canopy cover of less than 15%; trees at maturity should not touch or overhang the building; tree canopies shall be separated by a minimum of 5 metres; and all trees shall have their lower limbs removed to a height of two metres above ground. Shrubs shall not be located under trees; and not exceed 10% of ground cover with regular large gaps between vegetation. All leaves and vegetation debris shall regularly be removed, and grasses shall not exceed 10cm in height. The IPA shall be provided prior to the commencement of any building works and maintained for the life of the Manufactured Home Estate.

Condition reason: To create a fuel managed area and act as a defensible space.

15. **Bushfire Attack Level (BAL) requirements**

The bushfire attack level has been determined on the Bushfire Attack Overlay contained within the approved Bushfire Assessment Report referred to in condition 1 in accordance with Planning for Bushfire Protection 2019. The manufactured homes and all structures approved as part of this development consent shall be constructed to the prescribed BAL rating in accordance with AS 3959 – 2018 with full details of how this is to be achieved being shown on the plans/specifications submitted with the Construction Certificate documentation (as relevant to the communal building) or notice of installation of a manufactured home (as relevant to the dwellings).

Condition reason: To ensure that the building is provided with adequate protection from bushfires

16. **Swimming pool barrier**

The swimming pool barrier that complies with AS1926.1 - 2012 shall be located immediately around the swimming pool and contain within its bounds no structure apart from the swimming pool and such other structures as are wholly ancillary to the swimming pool in accordance with the Swimming Pools Act and Regulation. In this regard a pool fence is required between any doors that give access to the community hall and the swimming pool, apart from the accessible toilet that only serves the pool area. A pool barrier cannot contain double gates. Details of the pool barrier are to be provided with the Construction Certificate application.

Condition Reason: Public safety and to comply with NSW Swimming Pool legislation.

17. **Essential Energy Requirements**

Essential Energy's records indicate that existing overhead powerline/s located over the lot are impacted by the proposed development.

The Applicant is to relocate underground Essential Energy electricity infrastructure within that part of the road reserve which directly fronts the development and the adjoining site

at 104 Carrs Drive. Agreement on this design will need to be provided from Essential Energy prior to commencement of those works.

Condition reason: To ensure Essential Energy's requirements are met

18. **SafeWork clearance**

All works must comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

Condition reason: To ensure Essential Energy's requirements are met

19. **Supply of electricity to the development**

Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, such as a pad mount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.

Condition reason: To ensure Essential Energy's requirements are met

20. **Before You Dig Australia**

Prior to carrying out any works, a "Before You Dig Australia" 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 ensure Essential Energy's requirements are met

21. **Display of street/road number**

The Road Number 120 Carrs Drive has been allocated to the premises and shall be clearly displayed at the entrance so it is visible from the road. The site and size of proposed householder mail boxes should meet Australia Post guidelines.

Condition reason: To reduce confusion and assist Australia Post, emergency services and the general community in locating the premises

22. **Use of Community Facility**

The kitchen facility shall not be used as a retail/commercial food business.

Condition reason: To ensure the kitchen facility is not used as a retail/commercial food business

23. **Grease Arrestor**

All sinks and floor wastes in food preparation areas of any common buildings shall contain basket arrestors.

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

24. **Use of Community Facility**

All liquid trade waste from the kitchen in the communal facilities building shall discharge through a grease arrestor sized according to the fixture flow rates. The grease arrestor shall be installed in accordance with AS/NZS3500, the plumbing code of Australia and

Council requirements. It shall be located in an area accessible for the pump out contractor.

Flow rates for the fixtures connected to the grease arrestor shall be provided to enable Council officers to calculate the minimum grease arrestor size required.

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

25. **Bunding Area**

Chemical and oil storage containers shall be contained in a roofed and bunded area. The bund shall have the capacity to contain at least 110% of the volume of the largest container or other acceptable means of containment that prevents flow to the sewerage system or environment in the case of accident, leakage or spills.

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

26. **Wash bay**

The vehicle/RV wash bay shall be roofed and bunded to prevent the ingress of stormwater to the sewerage system and the discharge of trade waste to the environment. The roof shall overhang the perimeter of the bunded area by no less than 10° from vertical on all open sides.

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

27. **Wash bay Wastewater**

Wash bay wastewater shall pass through a floor drain with a basket arrestor then to a sediment pit prior to discharge to sewer. Peak influent flow rates and the calculated minimum size of the sediment pit shall be provided to Council prior to the construction of the wash bay.

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

28. **NOT USED**

Building Work

Prior to the commencement of earthworks or before Issue of a Construction Certificate for the Communal Facilities (*Building Construction Certificate*)

29. **Flood and Emergency Evacuation Plan**

Where changes to the structures and features approved under this development consent are required by the approved Flood Risk Assessment and Flood Emergency Response Plan referred to in condition 1, these are to be undertaken and if necessary, plans are to be submitted to Council for approval prior to issue of the Building Construction Certificate.

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

30. **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

31. **Erosion and sediment control plan**

Before the issue of a Construction Certificate or prior to the commencement of any

earthworks, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifying authority:

- a) Council's relevant development control plan,
- b) 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 the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Council's and the Natural Heritage Trust) (as amended from time to time).

This shall be compatible with the Stormwater Management Plan approved in condition 1, and shall identify if any stormwater basins will be temporarily used as sediment basins including procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier. A separate plan is to be submitted for each stage of the development if needed.

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

32. **NOT USED**

33. **Construction Site Management Plan**

Before the issue of a Building Construction Certificate, or prior to the commencement of any earthworks, 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;
- j) The location of temporary toilets;
- k) Recommendations included in the 'On Road Construction Traffic Noise Assessment' prepared by Marshall Day Acoustics Pty Ltd dated 20 August 2024;
- l) Recommendation and mitigation measures included in the approved Vegetation Management Plan referred to at condition 1;
- m) Recommendations included in the approved Acid Sulfate Soil Management Plan referred to at condition 1;
- n) Any measures identified in the Validation Report once remediation works are completed;
- o) Any measures identified in the Hydrogeological Report prepared by Australasian Groundwater and Environmental Consultants (version 02.01) dated 5 September 2024;
- p) Any measures identified in the Broad-scale Geotechnical Investigation prepared by

Geotech Investigations Pty Ltd (revision B) dated 14 June 2024;

- q) Any measures Identified in the Staged Soil and Water Management Plan prepared by MDE dated September 2024 referred to at condition 1;
- r) Any measures identified in the Earthworks Management Plan prepared by MDE September 2024 referred to at condition 1.

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

34. **Payment of security deposits**

The issue of any approval that includes earthworks and/or infrastructure is subject to provision of a road maintenance bond in the amount of \$100,000 as security, noting the following requirements with the Building CC Application:

- a) Provision of a Vibration Impact Management and Dilapidation Report for buildings located on Lot 31 DP1280863, Lot 6 and Lot 7 DP1222612 is required for the endorsement of Council and;
- b) Provision of a road condition audit report for Carrs Drive and a maintenance / repair management strategy is required for the approval of Council.

The developer is only required to provide one bond of \$100,000 at any one time under either condition 34 or 48.

Note: The bond may be called up by Council at its discretion and used to fund remedial works in Carrs Drive. Costs of any such works will be as determined by Council. Council will provide the developer with notice of its intention to call up the bond. If the bond is used by Council to complete any remedial works, the bond amount must be reinstated to the total of \$100,000 prior to any works continuing for this development.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed

35. **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 commencement of any earthworks.

The Earthworks Management Plan is to be prepared in accordance with Council's guidelines for preparation of an Earthworks Management Plan and is to be generally consistent with the drawings by Manage Design Engineer Pty. Ltd and recommendations included within the Broadscale Geotechnical Investigation prepared by Geotech Investigations Pty Ltd (revision B) dated 14 June 2024 and Hydrogeological Report prepared by Australasian Groundwater and Environmental Consultants (version 02.01) dated 5 September 2024.

Condition reason: To ensure compliance with relevant Australian Standards

36. **Verification of Civil Engineering Works**

Prior to issue of a Building Construction Certificate, a practising qualified engineer experienced in structural design and soil mechanics is required to verify the proposed civil engineering works the subject of the Building Construction Certificate:

- 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

37. **Stormwater Management**

All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and Northern Rivers Local Government Development Design and Construction Manual (NRDC). A stage specific Stormwater Management Plan, generally consistent with the Stormwater Management Plan by MDE dated August 2024 approved in condition 1, shall be prepared for each stage of the development.

The SWMP must consider any adjacent property or infrastructure affected by the development.

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 **WSUD** systems. The management plan must consider construction and operational stages.

Condition reason: To ensure appropriate infrastructure services the development

38. **Stormwater Management Works in Riparian Corridor**

The stormwater management works proposed within the riparian corridor are approved as a concept, as reflected in the following documents:

1. Stormwater Management Plan, Revision 3 prepared by MDE dated 23 August 2024 approved in condition 1; and
2. Stormwater Drawings prepared by MDE dated 26 August 2024 (being Drawings D26 Rev 3, D27 Rev 3, D29 Rev 3, D29 Rev 3, D30 Rev 3, D31 Rev 3, D32 Rev 3, D33 Rev 3, D34 Rev 3) approved in condition 1.

Prior to the issue of an Approval to Operate for Stage 1 to enable the occupation of dwellings within that stage, the Applicant is to:

- (a) consult with Council's Development Engineer and the NSW Department of Climate Change, Energy, the Environment and Water in relation to the proposed works within the riparian corridor as depicted in the above plans and drawings; and
- (b) submit to the satisfaction of Council a detailed design for works within the riparian corridor. This detailed design is to be generally in accordance with the above plans and drawings unless changes to the concept design are proposed as a result of consultation between the Applicant, Council and NSW Department of Climate Change, Energy, the Environment and Water, in which

case those changes may be reflected in the detailed design provided that the changes are supported by NSW Department of Climate Change, Energy, the Environment and Water for the purposes of enabling a controlled activity approval to be issued under the *Water Management Act 2000* (NSW). If changes to the concept design are not supported by NSW Department of Climate Change, Energy, the Environment and Water, the detailed design is to reflect the concept design proposed in the above plans and drawings.

Condition reason: To ensure appropriate infrastructure services the development

39. **Verification of Civil Engineering Works**

Full hydraulic details for all internal plumbing and drainage including internal sewer mains and fire services shall be prepared by an appropriately qualified civil or hydraulic engineer and submitted to Council for approval prior to any work starting on that stage of the development.

Condition reason: To ensure compliance with relevant Australian Standards

40. **Section 68 Sanitary Plumbing & Drainage**

Prior to issue of a Building Construction 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 or at Council's office.

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

41. **Section 68 for Sanitary Plumbing & Drainage**

Prior to installation of a manufactured home on each dwelling site, approval under Section 68 of the *Local Government Act 1993* for any proposed sewerage work, water plumbing and stormwater work shall be obtained from Council. This application can be lodged via the NSW Planning Portal or at Council's office.

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

42. **Remediation of Site**

Prior to commencement of earthworks the site must be remediated in accordance with:

- a. The approved Remediation Action Plan referred to at condition 1;
- b. Council's Contaminated Land Policy;
- c. State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4;
- d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- e. The guidelines in force under the *Contaminated Land Management Act 1997*

Condition reason: To ensure compliance with the National Environment Protection (Assessment of Site Contamination) Measure 1999

43. **Commencement of Works**

Prior to issue of the Building Construction Certificate, the proponent must submit a detailed Validation Report to Council and the Certifying Authority.

Condition reason: To ensure compliance with the National Environment Protection (Assessment of Site Contamination) Measure 1999

44. **Landscaping**

Prior to the issue of a Building Construction Certificate, a detailed landscape plan generally consistent with the approved landscape document, referable to those works, prepared by a person competent in the field is to be submitted to Council for approval. 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 in accordance with the Statement of Landscape Intent prepared by Zone Landscape Architecture approved in condition 1. The plan must also include the following information:

- a. Any imported soil for planting to be supplied as a premium grade soil mix in compliance with AS 4419:2018 Soils for landscaping and garden use.
- b. Specified trees to be sourced from nurseries that grow to AS 2303:2018 Tree stock for landscape use.
- c. Details of any entry signage to the estate.
- d. Details of the pedestrian access provided to the adjoining manufactured home estate located at 90 Carrs Drive.

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

45. **NOT USED**

Before the issue of a Public Works Certificate

46. **Design Certification Report**

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

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

47. **Carrs Drive Upgrade Requirements**

Road upgrading in Carrs Drive is required from the main entrance servicing 90 Carrs Drive to the main entrance to the manufactured home estate prior to the issue of an approval to operate for Stage 1. These upgrades are to be consistent with the Carrs Drive Upgrade Plans referred to in condition 1. Plans included with the Public Works Certificate application shall nominate upgrade works consisting of:

- a BAR intersection treatment in accordance with AUSTRROADS Guidelines at the entrance to the site, which will incorporate 2.5m widening on the eastern side of Carrs Drive, generally as identified in the Traffic Impact Assessment by Bitzios Consulting Project No. P5271 Version 8 dated 12 September 2024 as referred to in condition 1.
- construction of the road carriageway to provide 2 x 3.5m travel lanes;
- a 1.0m sealed shoulder with a flush concrete edge strip on the western side;
- allow for table drains, services corridor (considering maintenance access, if required) and pedestrian / bicycle pathways.
- the centreline level of Carrs Drive is to be no lower than the 1:20 ARI flood level in the area (R.L. 1.66m AHD). Details of the Carrs Drive works are to be provided with the **PWC** design.

- Details of how vehicular traffic will be discouraged including any physical barriers from using the second shared access adjacent to Site 24.
- A 2.5m shared path as shown on the approved document 'Proposed Carrs Drive Road Upgrade Works'.

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

48. **Payment of security deposits**

The issue of any approval that includes earthworks and/or infrastructure is subject to provision of a road maintenance bond in the amount of \$100,000 as security, noting the following requirements with the Public Works Certificate Application:

- a) Provision of a Vibration Impact Management and Dilapidation Report for buildings located on Lot 31 DP 1280863, Lot 6 and Lot 7 DP1222612 is required for the endorsement of Council and;
- b) Provision of a road condition audit report for Carrs Drive and a maintenance / repair management strategy is required for the approval of Council.

The developer is only required to provide one bond of \$100,000 at any one time under either condition 34 or 48.

Note: The bond may be called up by Council at its discretion and used to fund remedial works in Carrs Drive. Costs of any such works will be as determined by Council. Council will provide the developer with notice of its intention to call up the bond. If the bond is used by Council to complete any remedial works, the bond amount must be reinstated to the total of \$100,000 prior to any works continuing for this development.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed

49. **Risk and Maintenance Management Assessment**

Prior to issue of the Public Works Certificate (PWC) 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 PWC.

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

50. **Construction Site Management Plan**

Before the issue of a Public Works Certificate, a construction site management plan must be prepared, and provided to the certifying authority. The plan must include the following matters:

- a) Provisions for public safety;
- b) Pedestrian and vehicular site access points and construction activity zones;
- c) 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;
- d) Details of any bulk earthworks to be carried out;

- e) The location of site storage areas and sheds;
- f) The equipment used to carry out works;
- g) The location of a garbage container with a tight-fitting lid;
- h) Dust, noise and vibration control measures;
- i) The location of temporary toilets.
- j) Recommendations included in the 'On Road Construction Traffic Noise Assessment' prepared by Marshall Day Acoustics Pty Ltd dated 20 August 2024;
- k) Recommendation and mitigation measures included in the approved Vegetation Management Plan referred to at condition 1;
- l) Recommendations included in the approved Acid Sulfate Soil Management Plan referred to at condition 1;
- m) Any measures identified in the Validation Report once remediation works are completed;
- n) Any measures identified in the Hydrogeological Report prepared by Australasian Groundwater and Environmental Consultants (version 02.01) dated 5 September 2024;
- o) Any measures identified in the Broadscale Geotechnical Investigation prepared by Geotech Investigations Pty Ltd (revision B) dated 14 June 2024;
- p) Any measures identified in the Staged Soil and Water Management Plan prepared by MDE dated September 2024 referred to at condition 1;
- q) Any measures identified in the Earthworks Management Plan prepared by MDE September 2024 referred to at condition 1.

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

51. Water Reticulation Design Plan

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

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

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

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

52. Sewerage Reticulation Design Plan

A Sewerage Reticulation Design Plan must be submitted for approval with the application for a Public 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.

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

53. **Road Pavement**

Preliminary road pavement designs for Carrs Drive, in accordance with **NRDC**, must be submitted to Council as part of the **PWC** approval. The asphaltic concrete wearing surface must be a minimum 40mm (collector road) 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.

54. **Stormwater Drainage**

Prior to the issue of any Public Works Certificate engineering calculations must be provided which clearly indicate:

- a. any necessary upgrade of, existing stormwater drainage cross-culverts and affected services/utilities
- b. the capacity of table/swale drains, the maximum flow velocities and their resistance to scour.

Table/Swale drains within the road reservation must be designed to protect the road pavement from infiltration of surface water. This could be achieved by either a configuration that locates the water surface level from minor storm flows below the subgrade level, or other methods of protection acceptable to Council.

Batters on table/swale drains must be suitable for mowing by domestic mowers which will generally require a batter with a maximum grade of 1 in 6 unless otherwise approved by Council. The width of road reservations must account for any batters and an area suitable for pedestrians at least 2.5 metres wide at all road frontages where there is a water main, and at least 2 metres on all road frontages where there is no water main, unless otherwise approved by Council.

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

55. **Bike and Pedestrian Facilities**

Prior to the issue of a Public Works Certificate, the applicant is required to prepare a detailed design of Bike and Pedestrian facilities along the Carrs Drive frontage to the site generally in accordance with the approved Proposed Carrs Drive Road Upgrade Works plans, connecting onto the existing network as part of the Public Works Certificate application. 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

Before Public Works Commence

56. **Commencement of Works**

No construction which is the subject of a Public Works Certificate, including removal of

vegetation and topsoil, is to be commenced until a Public Works Certificate has been issued.

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

57. **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

58. **External road network impacts**

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

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

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

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

59. **Inspection Testing Plan**

Prior to commencement of works 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

60. **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.

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

61. **Construction Environmental Management Plan**

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

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

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

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

62. **Water Meters**

A single property service with a single meter servicing 10 or more dwellings on a single lot shall be installed prior to the issue of an approval to operate. Council recommends individual isolation valves be installed on each dwelling unit. Privately owned water meters may be installed within the property, but such private meters will be the responsibility of the property and will not be read or maintained by Council. The single Council water meter 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

Prior to commencement of building works

63. **Ecosystem credit retirement - like for like**

Before site work commences:

- 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.
- 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- 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	Trading group that can be used to offset the impacts from development
Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 915,	34	No	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or	-

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			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	24	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,	60	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	-

3997, 3998, 4000, 4001, 4004, 4006, 4009, 4013, 4019, 4020, 4021, 4044, 4047, 4057				
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	31	Yes	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir. Or From an IBRA subregion within 100km of the outer edge of the impact site	-

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

64. **Ecosystem credit retirement – variation rules**

Before site work commences:

- 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
- 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	Threat status that can be used to offset the impacts from development
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Forested Wetlands	34	No	IBRA Region: 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
Forested Wetlands	24	No	IBRA Region: 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
Forested Wetlands	60	No	IBRA Region: 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
Forested Wetlands	31	Yes including artificial	IBRA Region: 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

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

65. **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
Petaurus norfolcensis / Squirrel Glider	91	Anywhere in NSW	Petaurus norfolcensis / Squirrel Glider
Planigale maculata / Common Planigale	149		Planigale maculata / Common Planigale

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

66. **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

Petaurus norfolcensis/ Squirrel Glider	91	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir Or From an IBRA subregion within 100km of the outer edge of the impact site	Any species with a listing of vulnerable or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also an animal
Planigale maculata/ Common Planigale	149	Clarence Lowlands, Clarence Sandstones, Scenic Rim, Woodenbong and Yuraygir Or From an IBRA subregion within 100km of the outer edge of the impact site	Any species with a listing of vulnerable or higher under Part 4 of the Biodiversity Conservation Act 2016 that is also an animal

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

67. **NOT USED**

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

68. **Erosion and sediment controls in place**

Before any site work commences, the Principal 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

69. **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

70. **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

71. **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

72. **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)

73. **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

74. **Roads Act Approval**

Consent from Council must be obtained prior to occupation of or works within the road reserve pursuant to Section 138 of the *Roads Act 1993*.

Condition reason: To comply with Section 138 of the *Roads Act 1993*

**Demolition Work
Before Demolition Work Commences**

75. **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)
 - 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 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

76. **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

During Public Works

77. **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

78. **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

During Building Work
(the below conditions where relevant apply to Public Works)

79. **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
80. **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 2 inspection and testing and Northern Rivers Local Government Development Design and Construction Manual.
Condition reason: To ensure compliance with relevant Australian Standards
81. **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
82. **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
83. **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
84. **Unexpected Finds Procedure**
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
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 that the surrounding environment is not detrimentally affected as a result of the development

85. **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

86. **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

87. **Soil management**

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

- a All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to Council.
- b All fill material imported to the site must be:
 - i) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or
 - ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

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

88. **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

89. **Disposal of Waste Materials**

All soil waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the soil 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

90. **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

91. **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

92. **NOT USED**

93. **Reuse of vegetation onsite**

Vegetation cleared during clearing activities should be mulched where possible for use in erosion and sediment control during construction.

Condition reason: To ensure the development does not adversely impact on biodiversity

94. **Burning of vegetation**

Burning of vegetation cleared during clearing activities is prohibited.

Condition reason: To protect the amenity of the surrounding area

95. **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

96. **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

97. **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

98. **Acid Sulfate Soils**

All works on site must be performed in accordance with the Acid Sulfate Soil Management Plan referred to in condition 1.

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

99. **Supervising Environmental Consultant**

The applicant must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation. The environmental consultant must supervise all aspects of the remediation and validation works in accordance with the approved Remedial Action Plan.

Condition reason: To ensure compliance with the National Environment Protection (Assessment of Site Contamination) Measure 1999

100. **Minimum floor level requirements- flooding**

The minimum finished floor level of the primary habitable floor level for all manufactured homes is to be a minimum of 3.50 mAHD. A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be provided with the notice of completion of installation of a manufactured home.

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 Council.

Condition reason: To meet Council's Floodplain Management Controls

101. **Shoring and Adequacy of Adjoining Property**

If the development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- a. Protect and support the building, structure or work from possible damage from the excavation, and
- b. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Condition reason: Prescribed condition – EP&A Regulation clause 98E)

102. **Swimming Pool fencing**

An inspection of the completed swimming pool barrier (complying with the Swimming Pools Act 1992 and AS1926.1-2012) must be undertaken by the Principal Certifier as soon as practicable after the barrier has been erected. No water shall be placed in the swimming pool unless appropriate temporary fencing that complies with AS1926.1 is installed around the pool pending the completion of a permanent complying safety barrier. Only objects and structures that are ancillary to the swimming pool shall be located within the child resistant barrier.

Condition reason: To Comply with the Swimming Pools Act 1992

103. **Swimming Pool under Construction Sign**

The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:

- a Bears a notice containing the words 'This swimming pool is not to be occupied or used', and
- b Is located in a prominent position in the immediate vicinity of that swimming pool, and
- c Continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.

Condition reason: To Comply with the *Swimming Pools Act 1992*

During Demolition Work

104. **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:

- a 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;
- b 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
- c 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

105. **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:

- 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 Protective measures for on-site tree preservation and trees in adjoining public domain
- f A garbage container with a tight-fitting lid

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

106. **Demolition work**

Demolition work is to be carried out in accordance with AS2601.

Condition reason: To ensure that demolition work is carried out safely

On Completion of Demolition Work

107. **Waste disposal verification statement**

On completion of demolition work:

- a 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

- b 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.

Condition reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan

Prior to Issue of An Approval to Operate Under Section 68 of *The Local Government Act 1993*

108. **NOT USED**

109. **Completion of community facilities**

Prior to an Approval to Operate a Manufactured Home Estate for Stage 3, the Applicant is to provide written confirmation to the Council that all community facilities have been constructed and installed.

Condition reason: To ensure facilities are in place to support residents.

110. **Consolidation of Lots**

Prior to issue of an Approval to Operate a Manufactured Home Estate for Stage 1, Lot 2 DP 733507 and Lot 32 DP 1280863 are to be consolidated. Evidence of registration with NSW Land Registry Service is to be provided to Council.

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

111. **Section 7.11 Contributions**

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

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Rate per MHE dwelling/long term caravan site/moveable dwelling in a caravan park

Coastal Catchment $\$2,685.05 \times 144 = \$386,647.20$ (2 site credits have been applied)
(Council ref code: GL S94CVCOSCoastal)

Clarence Valley Contributions Plan 2011 Community Facilities

Rate per MHE dwelling/long term caravan site/moveable dwelling in a caravan park

Maclean and surrounds $\$2,685.05 \times 144 = \$386,647.20$ (2 site credits has been applied)
(Council ref code: GL S94CVCCFMaclean)

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per MHE dwelling/long term caravan site/moveable dwelling in a caravan park

$\$51.20 \times 144 = \$7,372.80$ (2 site credits have been applied)
(Council ref code: GL S94CVCPoMDwell)

West Yamba Urban Release Area Road Infrastructure Developer Contributions Plan

Rate per Self Contained Dwelling in a Seniors Housing Development/Workforce Accommodation/Manufactured home in a manufactured home estate; moveable dwelling in a caravan park (per lot/dwelling, manufactured home, moveable dwelling)
 $\$600.25 \times 144 = \$86,436.00$ (2 site credits have been applied)

Yamba Urban By-pass and Urban Intersections Contributions Plan 2000

West Yamba $\$819.65 \times 2.0 \times 144 = \$236,059.20$ GL S94YBPWestYamba

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

The contributions related to a stage are to be paid to Council prior to the issue of an Approval to Operate a Manufactured Home Estate for that relevant stage.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary and if so will become the contribution payable. All contribution plans are available for inspection on Council's website www.clarence.nsw.gov.au.

Condition reason: To comply with Council's Contributions Plans

112. **Verification of Vegetation Management Commitments**

Before the issue of the relevant Approval to Operate the manufacture home estate, 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.

113. **Completion of public utility services**

Before the issue of the relevant Approval to Operate the manufacture home estate, 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

114. **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

115. **Verification of Fire Hydrants**

Prior to issue of an approval to operate the manufactured home estate for each stage, a suitably qualified hydraulic engineer must certify compliance with relevant Australian Standard for pressure and flow rating of all fire hydrants relevant to that stage.

Condition reason: To ensure compliance with relevant Australian Standards

116. **Bushfire**

Prior to issue of an Approval to Operate the manufacture home estate for each stage, a suitably qualified person/s is to certify compliance that the all works relevant to that stage (other than manufactured homes pursuant to condition 15) have been constructed in accordance with the approved Bushfire Assessment Report as referred to in condition 1.

Condition reason: To ensure that Council is issued with a written Notice of Completion

117. **Certificate of Compliance**

A Certificate of Compliance for Water and Sewer works must be obtained from Council prior to issue of the Approval to Operate, 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

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

Prior to issue of the Approval to Operate, 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 Water Development Services Plan

119. **Easement for Sewerage**

The granting of an easement for sewerage purposes, over the Council's sewer mains within the development prior to issue of the Approval to Operate.

The width of the easement must be;

- 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

120. **Construction of footpaths**

Prior to the issue of the Approval to Operate for the relevant stage, all internal concrete or paved footpaths required for that stage 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

121. **Construction of footpaths**

Prior to issue of any Approval to Operate for Stage 6, the internal concrete footpath between the subject site and the Manufactured Home Estate located at 90 Carrs Drive is 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

122. **Restriction-as-to-user for Stormwater Management**
Prior to issue of the Approval to Operate for Stage 1, a Restriction-as-to-User encumbrance for stormwater management (i.e. on-site detention or water quality control systems) on the land title is required to ensure future building development compliance, including with the Stormwater Management Inspection and Maintenance Plan, prepared by Manage Design Engineer Pty Ltd (rev 1), dated 3 September 2024.
Condition reason: To ensure drainage works are provided in accordance with Council's Engineering Specifications for Development
123. **Asset Register Works Return**
Prior to the release of any Approval to Operate 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
124. **Work-As-Executed Plans**
In accordance with the Northern Rivers Local Government Development Design and Construction Manual and prior to the release of the Approval to Operate, 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.
Condition reason: To ensure works are completed to an appropriate standard and documented
125. **Certification of Services**
Prior to the issue of the Stage 1 Approval to Operate, 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.
Condition reason: To ensure works are completed to an appropriate standard and documented
126. **Landscape and tree works**
Before the issue of the final Notice of Completion for each stage, a suitably qualified landscape architect must certify that all internal landscape and tree-works have been 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)
127. **Landscape and tree works**
Before the issue of the Stage 1 Approval to Operate a Manufactured Home Estate the principal certifier must be satisfied all landscape and tree-works along the Carrs Drive frontage of the site have been 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)

128. **Geotechnical Inspection Certification**

Prior to issue of the Approval to operate for each 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 site 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

129. **Maintenance Bond**

Prior to issue of any Approval to Operate which dedicates assets to Council, 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.

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.

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 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

130. **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 for the relevant stage prior to issue of any Approval to Operate for that stage.

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

131. **Onsite Visitor Parking**

All on-site visitor parking spaces are to be clearly marked, and a sign or signs conspicuous and legible from the internal 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

132. **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 Approval to Operate.

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

133. **Revegetation of Site**

Prior to issue of the final Notice of Completion for each stage 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

134. **Repair of infrastructure**

Prior to issue of the Approval to Operate for each stage:

- 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

135. **Completion of Public Works Certificate**

Prior to issue of the Approval to Operate for Stage 1, all works associated with the Public Works Certificate inclusive of the Carrs Drive upgrades and external shared path shall be constructed in accordance with the approved plans.

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

Prior to issue Of Notice of Completion / Occupation Certificate

The following conditions are to be satisfied, prior to issue of a Notice of Completion or an Occupation Certificate, as relevant.

136. **Occupation Certificate**

Components of the development subject to a Construction Certificate are 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

137. **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

138. **NSW Swimming Pool Register**

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

Condition reason: To Comply with the Swimming Pools Act 1992

139. **Discharge of Swimming Pool Wastewater**

Pool filter backwash water must be collected in a holding tank and discharged to sewer at a controlled rate. The holding tank will need to be adequately sized to cater for 110% of the filter backwash volume. The holding tank shall be located in an area accessible for the pumpout contractor.

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

140. **Notice of Completion and occupancy of the first dwelling**

Prior to issue of a Notice of Completion and occupancy of the first dwelling, an Approval to Operate a Manufactured Home Estate must be obtained under Chapter 7, Part 1, Section 68 of the Local Government Act 1993

Condition reason: To ensure a Notice of Completion is issued after and Approval to Operate

141. **Notice of Completion**

Prior to occupation and use of any manufactured home, the holder of an approval to operate a manufactured home estate must provide Council with written "Notice of Completion". Council will then consider the issue of a Certificate of Completion as detailed in Clause 68 and 69 of *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

Condition reason: To ensure that Council is issued with a written Notice of Completion

142. **Bushfire**

Prior to issue of a Notice of Completion and occupancy of any dwelling a suitably qualified person/s is to certify compliance that the dwelling complies with the approved Bushfire Assessment Report.

Condition reason: To ensure that Council is issued with a written Notice of Completion

143. **Construction Accesses**

Any additional construction or temporary access constructed as part of the works on-site is to be remediated and revegetated prior to occupation of the final dwelling.

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

143A. **Flood and Emergency Evacuation Plan**

Prior to any occupation of the dwellings in Stage 1, all measures required to be installed and operational on-site and within the Flood Refuge Building as identified in the approved Flood Risk Assessment and Flood Emergency Response Plan are to be completed and certification from a suitably qualified person provided to Council.

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

Occupation and Ongoing Use

144. **Flood and Emergency Evacuation Plan**

The ongoing use and occupation of the Manufactured Home Estate is to be undertaken in accordance with the approved Flood Risk Assessment and Flood Emergency Response Plan including maintenance of flood related information, warning systems and structures.

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.

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

145. **Signage**

An approved CPR and pool safety sign is to be provided and maintained within the pool enclosure/near spa pool.

Condition reason: To assist in prevention of drowning

146. **Noise**

The swimming pool/spa pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- a. before 8.00 am or after 8.00 pm on any Sunday or public holiday, or
- b. before 7.00 am or after 8.00 pm on any other day.

Condition reason: To Protect the amenity of the neighbouring properties

147. **Community and recreation facilities**

The approved community and recreation facilities are to be used by residents of the manufactured home estate and their guests only.

Condition reason: To prevent unauthorised use of the facilities

148. **Estate Manager**

The development must have a manager available at all times for the management of the estate.

Condition reason: To ensure a estate manager will be available at all times for management of the estate

149. **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

150. **Occupation of Dwellings**

The dwellings within the estate are not permitted to be used for the purposes of Short-Term Rental Accommodation at any time.

Condition reason: To ensure dwellings are permanently occupied

151. **Waste service collection**

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 internal roads 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.

Condition reason: To ensure waste material is appropriately collected and disposed of

152. **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

153. **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

154. **Management of asset protection zones (APZ)**

During ongoing use of the site, the APZ must be managed in accordance with approved Bushfire Assessment Report, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.

Condition reason: To ensure ongoing protection from bush fires

155. **Maintenance of wastewater and stormwater treatment device**

During occupation and ongoing use of the manufacture home estate, all stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective in accordance with the Stormwater Management Inspection and Maintenance Plan prepared by MDE dated September 2024.

Condition reason: To protect sewerage and stormwater systems

156. **Design Certification Report**

Vehicular access from Road 12 to Carrs Drive is prohibited unless in the event of emergencies. Any barriers to prevent are to be regularly maintained to prevent access.

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

157. **Vegetation Management**

During occupation and ongoing use of the manufacture home estate, monitoring reports on the progress of the VMP referred to in Condition 1 must be submitted to and approved by Council once every twelve (12) months for the duration of the VMP.

Condition reason: To ensure onsite vegetation is managed appropriately

ATTACHMENT 1

Department of Planning and Environment



Contact: Department of Planning and Environment-Water
Phone: 1300081047
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2024-10190
Your ref: DA2023/0241

3 May 2024

The General Manager
CLARENCE VALLEY COUNCIL
2 PRINCE STREET GRAFTON 2460

Attention: James Hamilton

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2024-10190 - Integrated Development Referral – General Terms of Approval
Dev Ref: DA2023/0241
Description: 216 dwelling manufactured home estate and communal facilities
Location: Lot 2, DP733507, 120 CARRS DRIVE YAMBA 2464
Lot 32, DP1280863, 110 CARRS DRIVE YAMBA 2464

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment-Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment-Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

The attached GTA issued by the Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at:
<https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment-Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment-Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS-2024-10190
Issue date of GTA: 3 May 2024
Type of Approval: Controlled Activity
Location of work/activity: Lot 2, DP733507, 120 CARRS DRIVE YAMBA 2464
Lot 32, DP1280863, 110 CARRS DRIVE YAMBA 2464
Waterfront Land: Tributary of Oyster Channel
DA Number: DA2023/0241
LGA: CLARENCE VALLEY

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
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TC-G004	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2023/0241 provided by Council to Department of Planning and Environment-Water.
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B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.

TC-G005	A. The application for a controlled activity approval must include the following plan(s):
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- Site plans
- Construction watercourse crossing design plans
- Erosion and sediment control plans
- Construction stormwater drainage outlet plan
- Vegetation management plan
- Construction detailed basin design plans
- Itemised VMP Costings
- Construction detailed bulk earthworks and rehabilitation staging plan

B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website
<https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

TC-G006	A. A security deposit must be provided, if required by Department of Planning and Environment-Water.
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B. The deposit must be:

- a bank guarantee, cash deposit or equivalent, and
 - equal to the amount required by Department of Planning and Environment-Water for that controlled activity approval.
-



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of
the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2024-10190 as provided by Council:

Statement of Environmental Effects, prepared by Catalyze Consulting Pty Ltd dated February 2024

Stormwater Management Plan, prepared by MDE Pty Ltd dated January 2024

Civil Plans, drawing No. D01 - D43, prepared MDE Pty Ltd dated January 2024

Biodiversity Development Assessment Report, prepared by Ecosure dated February 2024