

DA2020/0220 Redevelopment of Calypso Caravan Park

Development Application Lodged 30 April 2020

Under the former SEPP State and Regional Development - Clause 20 declares a type of development specified in Schedule 7 is to be regionally specific development. Council related development over \$5 Million (estimated cost of the development is \$8,750,000.00).

The land on which the caravan park has been located since 1960 is legally described as Lot 266 822794, Lot 7306 DP 1140375 and Lot 202 DP 727454, although the park is principally contained within Lot 7306 DP 1140375. The development application proposes a minor expansion onto the adjoining land described as Lot 203 DP 727454.

Together each of these lots make up land reserved by the Crown (known as Public Reserve 81523) for which the Council is the appointed Crown land manager.

Concurrence was granted by the Department on 7 April 2020 in regard to the construction of shower and toilet blocks and laundry to be constructed of lightweight construction relocatable design.

Council resolved to accept the offer for works and public material benefits in accordance with the adopted Contributions Plan capital works to a value of \$400,000.00 in lieu of \$7.12 local infrastructure contributions.

Submissions: 4

- Adjoining residential unit owners Joan and (Andrew Watson) 1 Yamba Street (cnr Harbour Street) who overlook the park. Diminished views and loss of amenity
- Lois McLennan 13 River Street Yamba. New entrance on River Street and traffic issues with current use of Ford Park, Concerned about perimeter landscaping and loss of values to her house
- Steven and Sue Pilley adjoining in residents on Harbour Street. Increased traffic on Harbour Street and narrowness of road for vehicles and pedestrians
- Port Authority of NSW who use the Pilot Wharf which required access through the caravan park. Council has been in discussions to allow ongoing vehicle access and availability of power and water services.

Internal Referrals 5

Engineering – manoeuvring issues, stormwater management, Pilot Wharf access for Port Authority and parking spaces – conditioned

Building Surveyor – conditions to be finalised.

Heritage – Heritage listing as a Public camping area - Statement of Heritage Impact findings agreed. Clause 5.10 Heritage Conservation requirements Fencing and finishes required to be sympathetic.

Senior Strategic Planner (Public land/ Native Title) – comments provided (see below)

Environmental Health – compliance with LG Regulation for issue of approval to operate CP.

Additional Information for supplementary report

Record of Deferral

On **22 February 2022** The Northern Regional Panel issued a Record of Deferral of the proposed development as detailed below:

The panel agrees to a request to defer the determination of the matter made by the Yaegl Traditional Owners Aboriginal Corporation RNTBC (YTOAC). The deferral is for two weeks.

During this period, the Panel requests that the Council obtain legal advice on the following:

- 1. Whether the Panel's powers under the Environmental Planning and Assessment Act, 1979 to determine the application are limited or otherwise qualified as a result of ongoing Indigenous Land Use Agreement (ILUA) negotiations?***
- 2. Whether the Crown's powers as landowner to provide approval to lodge the development application under the Environmental Planning and Assessment Act, 1979 are limited due to the existence of native title on the subject land?***

The legal advice provided to council is to be made available to the public through publication on the council and regional planning panels websites.

Legal advice dated **25 February 2022** stated that:

- There is nothing in the Environmental Planning and Assessment Act 1979 that limits or qualifies a Panel's power to determine a development application over land in respect of which negotiations for the preparation of an ILUA have not been finalised.
- The Environmental Planning and Assessment Act 1979 nor any other legislation fetters the discretion of a landowner to provide consent to the lodgement of a development application, including where native title rights and interests have been determined to exist.

Written Landowners consent was also sought and provided by the Department of Planning and Environment – Crown Lands dated 21 June 2022.

On **13 July 2022** the panel issued a further Record of Deferral in the following terms:

The panel agrees to a request to defer the determination of the matter made by the Yaegl Traditional Owners Aboriginal Corporation RNTBC (YTOAC). The deferral is for four weeks.

During this period, the Panel requests that on behalf of the Yaegl Traditional Owners Aboriginal Corporation RNTBC (YTOAC), NTS Corp provide a submission within 3 weeks (being 10 August 2022).

In addition, Council shall prepare a supplementary report, detailing the:

- ***Proposed easement for access over the land for the Port Authority, and***
- ***Status of any Council Plan of Management for the site under the Local Government Act and any implications for the determination of the application, together with***
- ***Any recommendations for new or revised conditions of consent.***

NTS Corp provided a letter in response to the Record of deferral that outlines the NYS Corp believe about limitations on the Panel's powers and ability to determine the application due to the existence of native title over the land.

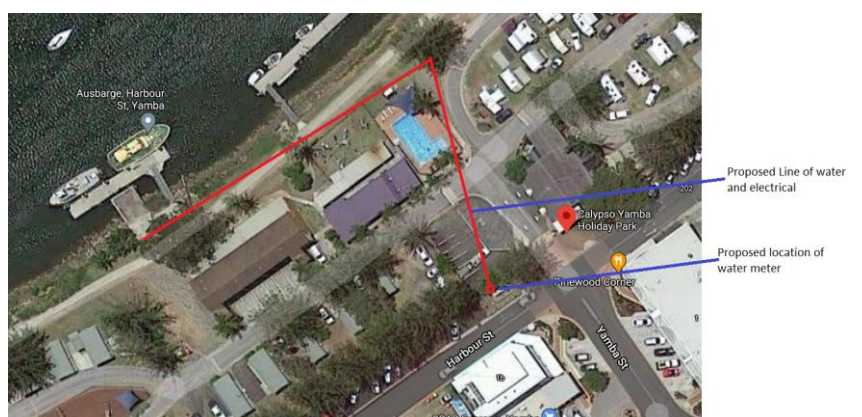
Comments to Panels requested information:

Proposed easement for access for Port Authority

Reference is made in the land-owner's consent about and easement which provides the Port Authority legal access over the land to their wharf. Council has been in discussion with the Port Authority to amend the existing easement for access which allows the Port Authority access over the land. Discussions also included the easements for services the wharf.

A proposed condition of consent (see below) is proposed to address this as set out below:

58. The access arrangements for the Port Authority shown on the deposited plan DP638909 are to be amended to allow for a continued lawful right of access, parking and easements for services (power and water) for the Port Authority wharf. These requirements are to be provided to the satisfaction of Councils Development and Land Use Section prior to the issue of the next **Approval to Operate** a Caravan Park.



Status of any Council Plan of Management for the site under the Local Government Act and any implications for the determination of the application

The land on which the caravan park has been located since 1961 is legally described as Lot 266 DP822794, Lot 7306 DP1140375 and Lot 202 DP727454. While the Calypso Yamba Holiday Park has been in (physical) existence from about 1961. Camping on Ford Park was occurring from the mid-late 1940's and possibly earlier according to historical records.

The development application proposes a minor expansion onto the adjoining land described as Lot 203 DP 727454. Together each of these lots make up land reserved by the Crown (known as Public Reserve 81523) for which the Council is the appointed Crown land manager.

Both the Calypso Yamba Holiday Park and Ford Park are managed under the Ford Park & Calypso Holiday Park Yamba (Reserve Number 81523) Plan of Management adopted by the Minister for Lands on the 20 January 2005 under s114 of the repealed *Crown Lands Act 1989*. Advice from Crown Lands is that this plan of management (PoM) remains valid until a PoM under the *Local Government Act 1993* is adopted.

A letter from Crown Lands was submitted with the DA stating that redevelopment could proceed under auspices of the existing PoM for the reserve when the development application was lodged.

Due to an exclusion that was found under s2.23(4) of the *Crown Land Management Act 2016* (and detailed at cl.14(2) of the *Crown Land Management Regulation 2018*) requiring Landowners consent for works within a Domestic Waterfront Precinct, consent was

subsequently sought and provided by the Department of Planning and Environment – Crown Lands, dated 21 June 2022.

In this regard no objection has been made by NSW Crown Lands to the Development Application and the holiday park continues to operate under the existing Ford Park & Calypso Holiday Park Yamba (Reserve Number 81523) PoM until a new plan has been adopted, with the consent of the Minister, by Council under the *Local Government Act 1993*.

A schedule of revised definitions, advices and conditions

A revised schedule of definitions, advices and conditions is provided below based on recommendations from internal referrals to Council's professional staff. Additional conditions in regard to works on site have been included to address the works required on the land. These have been provided to Council's Manager of Open Spaces. No response has been provided back to Council's Development and Land Use section.

Schedule 1 – Draft Definitions, Advices and Conditions

Definitions

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

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access to Property (AUS-SPEC)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage.

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

TfNSW means Transport for New South Wales

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

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

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

Advices

1. No construction is to be commenced until a Construction Certificate or has been issued other required approvals have been obtained.
2. Prior to work commencing on this 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.
3. The following information shall be submitted to the Council or Principal Certifying Authority prior to issue of a Construction Certificate:
 - a The construction certificate plans shall detail compliance with *the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*; the location of existing sewer and stormwater drainage; dimensioned setbacks for community buildings from boundaries and sites including any possible boundary adjustments; visitor parking including accessible spaces, dimensions and setbacks from boundaries and sites; dimensions and area of short term camp sites; location of soil waste dump points; location of existing and proposed fire hose reels and double headed pillar type fire hydrants; location of car washing bay area; location of drying areas including length in metres; location of iron facilities; documentation regarding compliance with section J of the BCA; dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities
 - b Engineering details for all structures including flood engineering for the managers residence; site specific engineering details for the swimming pool and associated structures confirming that the proposed structures will not impose any additional load on the stormwater drainage or adversely affect it in any way; confirm the location of the sewer main and the offset from the proposed adjacent community buildings located in the western section of the site and potentially site specific engineering details for those community buildings confirming that the proposed community buildings will not impose any additional load on the sewer main or adversely affect it in any way.

4. The door to a sanitary compartment must open outwards, or slide or be readily removable from the outside of the compartment unless there is a clear space of at least 1.2m between the closet pan and the doorway.
5. It is the owner/builders responsibility to determine the location and depth of all services on site to ensure that access is available to them e.g. sewer mains, stormwater pipes.
6. Demolition work is to be carried out in accordance with AS2601.
7. Prior to building work commencing approval under Section 68 of the Local Government Act shall be obtained from Council for sewerage work, water plumbing and stormwater work. Hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval
8. The certificates and documentation requested in this approval should be emailed to council@clarence.nsw.gov.au quoting the development application number in conjunction with booking the final inspection.
9. Accessible facilities for the use of the disabled shall be provided and constructed to the requirements of AS 1428.1-2009.
10. Car parking spaces for people with disabilities are to be provided.
11. Access for people with disabilities must be provided to and within the building by means of an access way in accordance with AS 1428.1-2009:
 - a from the main points of a pedestrian entry at the allotment boundary;
 - b from another accessible building connected by a pedestrian link; and
 - c from any required accessible carparking space on the allotment.
12. The Construction Certificate plans shall detail dimensional compliance with the requirements of AS 1428.1-2009 for access and facilities.
13. Construction Certificate plans are to show full compliance with the Building Code of Australia.
14. Owners are advised of the consent requirements of Clause 5.10 of Clarence Valley LEP 2010 in relation to the need to obtain prior consent for all works including tree removal, new fences, and any alterations to the fabric, finish and appearance of a heritage item or building in a Heritage Conservation Area. Many works can be approved through the 'no fee' minor works and maintenance heritage exemptions of Clause 5.10(3) but must be put in writing and approved prior to commencement. See application form on Council's website.
15. Prior to issuance of the approval to operate, Councils Environmental Health Section must be satisfied that all relevant sections within the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 have been complied with. An inspection of the completed development will be undertaken by a Council Environmental Health Officer prior to issuance of an approval to operate.
16. The following engineering approvals are required for this development and are to be issued by Council and/or accredited private certifier as applicable to the development.
 - a Environmental Planning and Assessment Act 1979 Section 6.4(b) - Subdivision Works Certificate;
 - b Roads Act 1993 Sections 138 & 139 – approval for works on a road issued by Council and/or TfNSW;
 - c Local Government Act Section 68 - drainage, water & sewer approval;
 - d Approval of Civil engineering works for development on private property. (Refer Environmental Planning and Assessment Act 1979 Section 6.5(2), Building Professionals Act Section 74A - Categories C1 to C6 inclusive and Building Professionals Regulation Section 20C

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

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

A private certifier who issues a **PWC** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development.

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

18. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.

19. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.

20. Concurrence of the Secretary of the Department of Planning and Environment under Section 82 Local Government Act 1993 was granted by the Department on 7 April 2020 in regard to the construction of shower and toilet blocks and laundry to be constructed of lightweight construction relocatable design. These requirements under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 do not apply to this development approval.

21. The land subject to the development is recommended to be consolidated into a single lot under separate application and separate to the Town Green subject to operational requirements and NSW Crown Land owners consent.

A Subdivision Certificate fee is charged for the endorsement of linen plans. Fees for the 2022/23 financial year are \$261.40 plus \$30.75 per additional lot (minimum \$261.40). An additional fee of \$118.70 is payable if the Subdivision Certificate requires the signing of an 88B instrument by Council.

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

23. The proposed extension and construction of covered decks for the 12 existing riverfront cabins is not part of this approval.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

Plan	Drawn by	Dated	Job No.	Sheets
Existing Site Plan	Integrated Site Design	March 2020	20.06	C-01
Proposed Site Plan	Integrated Site Design	March 2020	20.06	C-02
Proposed Implementation Plan	Integrated Site Design	March 2020	20.06	C-03
Landscape Plan	Integrated Site Design	March 2020	20.06	C-04
Existing Tree Plan	Integrated Site Design	March 2020	20.06	C-05

Waste Management Plan	Integrated Site Design	March 2020	20.06	C-06	
Yamba Town Green Concept Plan	Integrated Site Design	March 2020	20.06	C-07	
Demolition Plan	Integrated Site Design	March 2020	20.06	-	
Proposed Central Precinct, resort pool & Communal buildings	Integrated Site Design	March 2020	20.06	CPL-01	
Proposed Eastern Amenities Precinct Layout	Integrated Site Design	March 2020	20.06	CPL-02	
Proposed Entry Precinct Layout	Integrated Site Design	March 2020	20.06	CPL-03	
Proposed Double Garage & workshop elevations	Integrated Site Design	March 2020	20.06	CA-02	
Proposed Workshop Elevations	Integrated Site Design	March 2020	20.06	CB-02	
Proposed Managers Residence, Office & Reception Floor Plan	Integrated Site Design	March 2020	20.06	CC-01	
Proposed Managers Residence, Office & Reception elevations	Integrated Site Design	March 2020	20.06	CC-02	
Proposed Central Precinct, camp kitchen, & Lounge Floor Plan	Integrated Site Design	March 2020	20.06	CD-01	
Proposed Central Precinct, camp kitchen, & Lounge Elevations	Integrated Site Design	March 2020	20.06	CD-02	
Proposed Central Precinct Amenities Floor Plan	Integrated Site Design	March 2020	20.06	CE-01	
Proposed Central Precinct Amenities Elevations	Integrated Site Design	March 2020	20.06	CE-02	
Proposed Eastern Precinct Amenities Floor Plan	Integrated Site Design	March 2020	20.06	CF-01	
Proposed Eastern Precinct Amenities Elevations	Integrated Site Design	March 2020	20.06	CF-02	
Proposed Eastern Kitchen Floor Plan	Integrated Site Design	March 2020	20.06	CG-01	
Proposed Eastern Kitchen Floor Plan Elevations	Integrated Site Design	March 2020	20.06	CG-01	
Proposed Pool & Spa Site Plan	Lacus Consulting Pty Ltd	18/10/2019	L180122	P003 (rev. P1)	(rev.
Proposed Pool & Spa General Arrangement	Lacus Consulting Pty Ltd	1/04/2020	L180122	P004 (rev. P2)	(rev.
Proposed Cabin Type 1 Floor Plan	Integrated Site Design	March 2020	20.06	CH-01	
Proposed Cabin Type 1 Elevations	Integrated Site Design	March 2020	20.06	CH-02	
Proposed Cabin Type 2 Floor Plan	Integrated Site Design	March 2020	20.06	CI-01	

Proposed Cabin Type 2 Elevations	Integrated Site Design	March 2020	20.06	CI-02
Proposed Cabin Type 3 Floor Plan	Integrated Site Design	March 2020	20.06	CJ-01
Proposed Cabin Type 3 Elevations	Integrated Site Design	March 2020	20.06	CJ-02
Proposed Cabin Type 4A & 4B Floor Plan	Integrated Site Design	March 2020	20.06	CK-01
Proposed Cabin Type 4A & 4B Elevations	Integrated Site Design	March 2020	20.06	CK-02
Proposed Cabin Type 5 Floor Plan	Integrated Site Design	March 2020	20.06	CL-01
Proposed Cabin Type 5 Elevations	Integrated Site Design	March 2020	20.06	CL-02
Proposed Cabin Type 6 Floor Plan	Integrated Site Design	March 2020	20.06	CM-01
Proposed Cabin Type 6 Elevations	Integrated Site Design	March 2020	20.06	CM-02

Prior to issue of Construction Certificate / Subdivision Certificate

- The energy efficiency requirements in Section J of the Building Code of Australia apply to the office building. Sufficient written documentation shall be submitted with the **Construction Certificate** application to indicate compliance with Section J
- A schedule of all external finishes and colours, sympathetic to the significance and setting of the Heritage Item and its coastal site, in accordance with the provisions of the Clarence Valley LEP 2011 and DCP 2011, are to be submitted to, and approved by Council prior to release of the **Construction Certificate**.
- A landscape plan, prepared by a person competent in the field, detailing vegetation screening of the caravan park sites along the Harbour Street frontage and perimeter fencing, is to be submitted to Council for approval prior to the issue of a **Construction Certificate**. The plan shall as well as indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.
- A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **TfNSW** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and **commencement of work**.
- For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the **Construction Certificate**.
- A detailed plan of the proposed driveway plan must be submitted for approval with the application for a **PWC**. Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.
- All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.

The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited private certifier prior to **commencement of works**. 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 phases.

9. Prior to the issue of any **Subdivision Certificate**, certification is to be provided to Council by a registered surveyor, confirming that all infrastructure (including services, pipelines, access ways and drainage paths) are contained within the respective lots or easements for the lands to be subdivided.

Where an internal access passes through lots other than those being developed, a right of way for access must be created to ensure legal access is provided to each lot.

10. Adjoining Building Work - A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:
- a Preserve and protect the building from damage; and
 - b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the **Construction Certificate** and certified by a professional engineer or an accredited certifier.

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

11. All new works shall comply with the Local Government (manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
12. All building work shall be constructed wholly within the boundaries of the property and this shall be detailed on the **Construction Certificate** plans. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
13. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
14. An ITP must be submitted for approval with the application for a PWC. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.
15. Prior to **commencement of works**, the adequacy of parking, car parks, driveways, garages and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended. The parking area plans are to be submitted and approved by Council or accredited private certifier.
16. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained in accordance with the DA approved plan and made available thereafter. The car parking classification is Class 2 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
17. Accessible grades and paths of travel are to be provided from carparking bays through to the main entrance of the building in accordance with AS1428.1 and the Building Code of Australia.

During construction

18. Attention is directed to the NSW Heritage Act 1977 and the provisions in relation to the exposure of relics.

- a If a relic is suspected or there are reasonable grounds to suspect a relic in the ground, that is likely to be disturbed, damaged or destroyed by excavation; and/or,
 - b Any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;
those responsible for the discovery must notify nominated personnel who will in turn notify the Heritage Council of NSW or its delegate the Office of Environment and Heritage and Heritage NSW Heritage Branch and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied. (ss 139,146).
19. 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.
20. 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. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
21. For Remediation works a Remediation Action Plan must be reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme for approval prior to **remediation works** commencing.
22. Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to attend inspections.
23. Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):
- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)
 - b Erosion & Sedimentation Controls
 - c Roadworks
 - d Stormwater Drainage
 - e Other Services
 - f 'On Maintenance' (Public Infrastructure)
 - g 'Off Maintenance' (Acceptance of Public infrastructure by Council)
24. **Working/Construction Hours** Working hours on construction or demolition shall be limited to the following:
- 7.00 am to 6.00 pm Monday to Friday**
8.00 am to 1.00 pm Saturdays
No work permitted on Sundays and public holidays
- The builder is responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.
25. **Site Safety Management Building** equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.

26. 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.
27. **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.

28. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited, and
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifying authority for the work, and

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

29. The roof covering is to be of a colour which does not produce glare which adversely affects the amenity of adjoining properties. White colourbond, galvanised iron and zincalume are not permitted.

Mandatory Inspections The head contractor or owner-builder must give Council as the certifying authority at least 24 hours notice to enable the following inspections to be performed at the appropriate time:

- a **Pier holes** (if any), before concrete is poured,
- b **Footings**, with reinforcement in place before pouring of concrete,
- c After reinforcement is in positions and before pouring of any **in-situ reinforced concrete** building element,
- d Before internal covering/lining of the **framework** for any floor, wall, roof, or other building element,
- e Before all walls, floors and ceilings required by the BCA to have a **fire resistance level** are enclosed, and before covering of fire/smoke protection at service penetrations and the junctions of fire resisting construction in buildings containing sleeping accommodation,
- f Before all walls, floors and ceilings required by the BCA to have a **sound insulation** requirement are enclosed,
- g **Plumbing work** prior to covering/lining walls,
- h **Sewer drainage** work prior to back filling/lining,
- i Before covering **waterproofing in any wet areas**,
- j Before covering any **stormwater drainage** connections,
- k After reinforcement is in position and before pouring of any **structural element (including pool coping) of a swimming pool**,
- l After the pool and pool fencing are completed and **before filling of the pool**,
- m After the **building work has been completed** and prior to occupation.

If any of these inspections are not performed an Occupation Certificate cannot be issued for the building. Inspection bookings can be made online at www.clarence.nsw.gov.au <<http://www.clarence.nsw.gov.au>> until midnight on the day before the inspection. The Construction Certificate or Complying Development Certificate number must be provided when booking an inspection.

30. All excavated materials must be treated in general accordance with the Management Guidelines detailed within the "Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, August 1998". Agricultural Lime must be applied (and incorporated into the soil) at a rate of 50kg/m³ of soil. Works are to be undertaken in accordance with an acid sulfate soils management plan approved by council prior to commencement of works.

31. The class 4 building shall comply with the Australian Building Codes Board Standard for Construction of Buildings in Flood Hazard Areas. A Structural Engineers certificate shall be submitted prior to issue of the construction certificate to verify the building will withstand the likely forces imposed on it by a 1:100 year flood event including hydrostatic, hydrodynamic, debris, wave, erosion and scour actions.
32. To meet Council's Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 3.01 metres Australian Height Datum (AHD). A certificate indicating the height of habitable floors on the ground floor (related to AHD) is to be forwarded to the Principal Certifying Authority.
- a In the case of timber floors, on completion of the floor framing;
 - b In the case of concrete slabs when formwork is in place but prior to pouring concrete.
- This certificate is to be provided by a Registered Surveyor. No further work is to be carried out on the building until such certificate is provided to the Principal Certifying Authority.
33. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
34. 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.
35. Prior to any work commencing involving the disturbance or removal of any asbestos materials the principal contractor shall give two days written notice to the owner or occupier of any dwelling within 20m of the development site of his intention to carry out the work.
36. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Clarence Valley Council's Asbestos Policy, the relevant requirements of SafeWork.
- a Work Health and Safety Act 2011 and associated regulations
 - b SafeWork NSW Code of Practice - How to Safety remove Asbestos.
 - c Australian Standard 2601 (2001) – Demolition of Structures
 - d The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

A copy of Council's Asbestos Policy is available on Council's web site at www.clarence.nsw.gov.au or a copy can be obtained from Council's Customer Service Centres.

37. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- The Work Plan must include the following information (as applicable):
- a The name, address, contact details and licence number of the Demolisher/Asbestos Removal Contractor
 - b Details of hazardous materials, including asbestos
 - c Method/s of demolition and removal of asbestos
 - d Measures and processes to be implemented to ensure the health & safety of workers and community
 - e Measures to be implemented to minimise any airborne asbestos and dust
 - f Methods and location of disposal of any asbestos or other hazardous materials
 - g Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
 - h Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifier (PC) if the Council is not the PC, not less than two (2) working days before commencing any demolition works involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

38. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the

words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

39. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
40. All construction below 3.01m AHD shall be flood compatible building components.

During Operation

41. The Principal Certifier shall be notified for the purpose of a final inspection of the pool and fencing as soon as possible after installation and before use of the pool.
42. Any external pool lighting is to be positioned and/or shielded to prevent a glare nuisance.
43. The installation and maintenance of the swimming pools child resistant barrier shall comply with the requirements of the Swimming Pools Act 1992 and AS1926.1 2012 and be fitted with a self-closing, self-latching, outward opening gate prior to filling the pool with water. No plantings or climbable items shall be positioned within the 900mm non-climb zone (NCZ) on the outside of the pool fence or within the 300mm NCZ on the inside of the pool fence.
44. 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.
45. Temporary fencing that complies with AS 1926.1 shall be provided around the pool if the permanent fencing cannot be installed before the pool is filled.
46. The swimming pool water recirculation and filtration system must comply with AS 1926.3-2010. The installation contractor shall provide Council with an Installation Certificate attesting to the products being selected and installed in accordance with the requirements of that standard.
47. The swimming pool waste water is to be disposed of to the sewer via a surcharge gully with a minimum 100mm air gap between the waste outlet and the top of the gully surrounds.
48. An approved CPR and pool safety sign is to be provided within the pool enclosure in accordance with the requirements of the Swimming Pools Act 1992 prior to the final inspection.
49. Any modification or extension to the existing fire hydrant system or fire hose reel system to achieve coverage shall have the design certified by a competent fire safety practitioner prior to the commencement of works on the relevant fire safety system.

Prior to Occupation Certificate

50. The development is not to be occupied or used until such time as an **Occupation Certificate** has been issued.
51. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the **Occupation Certificate**.

52. An Asbestos Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the asbestos related works (prior to an **Occupation Certificate** being issued), which confirms that the relevant requirements contained in the conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied
53. All glazing is to be selected and installed in accordance with the provisions of AS 1288 or AS 2047. Upon completion of the building and **prior to its occupation**, the glass suppliers/installers certificate is to be submitted to Council.
54. Metal building components installed in coastal locations shall have corrosion protection measures complying with the Building Code of Australia (BCA). This applies to brick wall ties, steel framing, fixings and metal sheet roofing in locations within 10km of breaking surf or 1km of salt water not subject to breaking surf. Higher standards apply the closer the location is to breaking surf. Upon **completion of the building work and prior to occupation** an installers certificate shall be submitted to Council to verify compliance with the BCA.
55. All new work shall be treated and maintained against termites in accordance with AS 3660.1.
 - a Upon installation of the method of treatment a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660.1.
 - b A durable notice must be permanently fixed to the building in the electricity meter box indicating:
 - i the method of protection
 - ii the date of installation of the system
 - iii where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label
 - iv the need to maintain and inspect the system on a regular basis.

All materials used in the class 2-9 buildings (in particular floor linings and floor coverings) must comply with the fire hazard properties specified in Specification C1.10 of the Building Code of Australia. Manufacturer's specifications and standard fire test reports confirming compliance will need to be provided prior to the issue of an **Occupation Certificate**.
56. The pool shall be registered on the NSW Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au before issue of an **Occupation Certificate**.
57. 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.

Prior to Approval to Operate

58. **The access arrangements for the Port Authority shown on the deposited plan DP638909 are to be amended to allow for a continued lawful right of access, parking and easements for services (power and water) for the Port Authority wharf. These requirements are to be provided to the satisfaction of Councils Development and Land Use Section prior to the issue of the next Approval to Operate a Caravan Park.**
59. A current Flood Emergency Management Plan (FEMP) for the caravan park is to be submitted to Council prior to an issue of an **Approval to Operate**. The FEMP must demonstrate measures to ensure that the timely, orderly and safe evacuation of people from the park. The FEMP is to be undertaken with consultation with the NSW State Emergency Service.

60. Prior to release of the **Approval to Operate**, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development
61. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an **Approval to Operate** is issued or the development is accepted 'Off Maintenance'.
62. A subsequent Validation Report must be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme shall be submitted to Council after completion of remediation of the site. The **Validation Report** shall confirm that the site is suitable for its proposed use prior to issue of **Approval to Operate**.
63. Prior to release of the **Approval to Operate**, the development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines.

Maintenance Period

64. All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons.
- At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with NRDC.
- Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with NRDC for Council to accept responsibility for the infrastructure.