



**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

Section 96 Amendment dated 6 October 2016

Environmental Planning and Assessment Act, 1979 (As Amended)

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To: Western Views Pty Ltd
C/- Greg Alderson & Associates
Scarrabelottis Road
NASHUA NSW 2479

Being the applicant in respect of Development Application No: 2008.0091.01

Subdivision to create 14 industrial lots ranging in size from 0.49 ha to 19.4 ha; road reserve and associated works (Amended 6/10/2016)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the Council, as Consent Authority, of the Development Application lodged 3 September 2007 relating to the land described as follows:

Lot 8 DP 577269, Lot A DP 405777, Lot 1 DP 518029, Lot 244 DP 755727, Lots 9, 12 & 13 DP 755727, Lot 2 DP 1091888, Lot 1 DP 118483, Lot 2 DP 570138 & Lot 1 DP1174111 – Reynolds Road, North Casino (Amended 6/10/2016)

The Development Application has been determined by-

GRANTING OF CONSENT subject to the conditions specified in the notice.

This consent operates from	21 November 2007	
Lapses on	21 November 2010	
Modified	6 October 2016	(Amend Development Description) (Amend Property Description) (Amend Condition 1 & 12) (Add Condition 1a, 1b & 1c)

IMPORTANT NOTICE

**THIS IS A LEGAL DOCUMENT. ENSURE THAT YOU READ THE DOCUMENT CAREFULLY,
AND PARTICULARLY NOTE ALL ATTENDANT INSTRUCTIONS AND CONDITIONS**

DETAILS OF CONDITIONS

The conditions of consent are set out as follows:

STANDARD

1. In granting this development consent, Council requires:

- the development,
- all roads/civil works,
- lot boundaries, and
- areas subject to any amendment or modification called for in the following conditions

be substantially in accordance with the stamped approved S96 Amended Proposed Lot Layout Plan received by Richmond Valley Council on 5 September 2016 and/or supporting documents submitted with the application. A copy of the approved plan is attached to this consent. **(Amended 6/10/2016)**

Reason: *To correctly describe what has been approved. (EPA Act Sec 79C)*

- 1a. A separate development application or complying development certificate application shall be lodged with Richmond Valley Council to remove the existing dwelling on Lot 244 DP755727. The existing dwelling shall be removed and the septic tank decommissioned to the satisfaction of Richmond Valley Council prior to release of the Subdivision Certificate. **(Added 6/10/2016)**

Reason: *To ensure existing structures on the subject land are wholly contained within the proposed lot boundaries.*

- 1b. This consent is for the subdivision of land only and does not constitute approval for a rail siding on proposed Lot 15. **(Added 6/10/2016)**

Reason: *To correctly describe what has been approved.*

- 1c. The development must not increase water flows at any ARTC drainage structure or adversely change water flows within the rail corridor. **(Added 6/10/2016)**

Reason: *To protect existing ARTC infrastructure.*

SUBDIVISION

2. The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in **Council's Revenue Policy**.

Reason: *To comply with environmental planning instrument. (EPA Act Sec 79C(a))*

3. The proponent shall place street number identification at the road frontage of the property to indicate the property address **prior to release of the Subdivision Certificate**.

Reason: *To provide visual identification of lot boundaries (EPA Act Sec 79C(e)).*

4. The creation of easements for services, rights of carriageway and restrictions as to user may be applicable under Section 88B of the Conveyancing Act. Easements will be required for sewer, water supply, stormwater drainage, inter-allotment drainage, electricity, etc. and shall be shown on the submitted linen plan of the subdivision. Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easement or rights of way to be revoked, varied or modified only with the consent of Council.

Reason: *To provide adequate access and protection for services.*

5. The registration of a Section 88B Instrument within the subdivision plan is to be undertaken in order to ensure that the restriction of use on the land incorporates:-
- The dam sites, which are not to have structures built on them, will need to have the area pegged out and clearly marked.
 - The 10 metre wide tree screens; and,
 - The 20 metre asset protection zone.
 - There shall be no direct access to Reynolds Road from any of the lots or from the lots to the short link roads (proposed Road Nos 1 and 2) off Reynolds Road. Access to all lots shall only be permitted from the north-south double cul-de-sac ie Road Nos 3 and 4, and from the cul-de-sac head of the proposed Road No. 1.

Reason: *To ensure compliance with consent.*

6. The NSW Department of Lands is to be consulted in relation to requirements and approvals to carry out any works across or along any Crown road reserve. Details of NSW Department of Lands determinations are to be submitted to Richmond Valley Council **prior to the issue of any Construction Certificate.**

Application to close the road are to be made through Richmond Valley Council with all associated costs including Department of Lands fees, compensation, advertising and the like to be paid by the applicant. Road closure documentation shall be submitted to the Department of Lands **prior to the release of the Subdivision Certificate.** (The existing road reserve will need to be identified on the linen plan in the proposed Lot 1.)

Reason: *To comply with state government legislation – the Department of Lands is the road authority for Crown road reserves.*

7. The proposed lot 6 (residual lot) is to be shown as part of the road reserve and dedicated on the linen plan as a road reserve. The intersection shall be designed and constructed to suit Road No. 2 as the through road.

Reason: *To ensure that the road reserve is available for the construction of a future road into the neighbouring property in accordance with the Roads and Traffic Authority requirement for no direct access to the Summerland way.*

PUBLIC UTILITIES

8. **Prior to approval of the Subdivision Certificate**, the proponent shall ensure the provision of telephone services is provided to all lots and including the full length of battle-axe handles. A Certificate of Compliance from the relevant utility provider shall be required confirming that the respective utility's requirements have been met.

Reason: To ensure adequate provision of utility services. (EPA Act Sec 79C(b))

9. **Prior to approval of the Subdivision Certificate**, a Certificate of Compliance from Country Energy shall be required confirming that it has provided electrical power to each lot, including the full length of battle-axe handles, adequate street lighting for the development as required by the Australian Standard and that charges for the extension of electricity supply have been paid.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

LANDSCAPING

10. A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority and approved **prior to release of the Construction Certificate**. Landscaping plans shall be in accordance with **Council's Landscape Guideline** and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans.

Principal Certifying Authority approved landscaping shall be completed **prior to the release of the Subdivision Certificate** and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

11. A security bond to the value of 10% of the total value of landscaping works is to be lodged with Council to ensure that all landscaping and buffer plantings are maintained. The bond is to be fully refundable after a period of three (3) years subject to the plantings being established and maintained to the satisfaction of Council.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

DEVELOPER CONTRIBUTIONS

12. Payment of contributions levied under Section 64 of the Local Government Act, Section 94 of the Environmental Planning and Assessment Act and Richmond Valley Council Revenue Policy and Contributions Plan are required. Such levies shall contribute towards

the provision of public services and/or amenities and water and sewage augmentation identified in the attached schedule.

The rates detailed in the attached schedule are applicable until **June 30, 2017**. If the scheduled contributions are not paid prior to **June 30, 2017**, the rates shall be increased in accordance with the listing of rates in Richmond Valley Council's adopted Revenue Policy. Where the total contribution payable exceeds \$10,000 payment to Council must be by bank cheque, cash or direct deposit. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid **prior to the release of Subdivision Certificate. (Amended 6/10/2016)**

Reason: *To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94 Contributions Plan (EPA Act Sec 94) and the Water and Sewer Developer Contributions Plan.*

Former Casino Council Area

Levy Area		TechOne Code	No. of ET's	Cost per ET (\$)	Amount Payable (\$)
Water Augmentation	Casino area	Wat64Hwks	8	8,644.65	\$69,157.20
Sewerage Augmentation	Casino area	Sew64Hwks	14	8,000.00	\$112,000.00
TOTAL					\$181,157.20

WORKS GENERAL

13. Where any work or access is required on land not owned by the developer, written permission shall be obtained from the owner of the land as no such permission is implied in this development consent. Such approval shall be submitted to Council **prior to the issue of the Construction Certificate.**

Reason: *To ensure that the development as submitted can proceed.*

14. All civil works that will become Council assets are to be carried out in accordance with the Northern Rivers Local Government Development and Design Manual, Northern Rivers Local Government Construction Manual, Sewerage Code of Australia WSA 02, water Supply Code of Australia WSA 03, and other Council standards/policies as appropriate.

Reason: *To ensure that works are carried out to Council Standards.*

15. Works within any part of the road reserve that will impact on pedestrians or traffic flow (including temporary site fencing that restricts pedestrian access, temporary disruption to traffic, etc) requires the preparation of a **Traffic Control Plan**. The Plan shall comply with the provisions of the RTA document "**Traffic Control at Work Sites**" manual and shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course. The TCP designer's certification number is to appear on the Traffic Control Plans.

The Plan shall be submitted to and verified by Richmond Valley Council **prior to the issue of the Construction Certificate.**

The developer shall maintain all warning signs, lights, barriers and fences etc in accordance with the Traffic Control Plan, Australian Standards and Work Cover guidelines.

Safe public access around any works shall be provided at all times unless detailed in the Traffic Control Plan.

Any advertising required to be undertaken by Council shall be at the developer's cost.

All contractors working on such road reserve areas are to have Public Liability Cover to a minimum value of \$10,000,000. A certificate of currency is to be forwarded to Council **prior to the commencement of works.**

***Reason:** To ensure works carried out in the road reserve are carried out in a safe environment.*

16. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Works. The repairs shall be carried out prior to the issue of a Subdivision Certificate or Occupation Certificate.
Council must be notified in writing, **prior to commencement of works**, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths.
Absence of notification signifies that no damage exists, and the applicant is therefore liable for the cost of reinstatement of any damage found at the completion of the works.

***Reason:** To protect the existing and future amenity of the locality and to formally record any pre-existing damage to existing assets.*

17. **Prior to the commencement of work**, a sign detailing the project and containing the names and contact numbers of the Developer, Main Contractor, and Designer shall be erected and maintained in a prominent position at the site to the satisfaction of the Richmond Valley Council Works Department. The sign is to remain in place until the Subdivision Certificate is issued.

***Reason:** To allow prompt contact with appropriate people associated with the project.*

18. The developer shall have a suitably qualified or experienced supervisor on all projects where civil engineering works (to be vested in Council) are required. The name of the supervisor, who shall be responsible for the overall supervision of the works, is to be submitted to and approved by Council **prior to the release of the Construction Certificate.**

***Reason:** To ensure adequate supervision and co-ordination of the works.*

19. The developer may engage contractors and sub-contractors to carry out civil engineering works that are to become Council's assets. Details (name, qualifications, experience, insurance currency, etc) of proposed contractors and sub-contractors for specific civil works are to be submitted to Council's Works Department for approval **prior to the commencement of any work on the future Council assets.**

***Reason:** To ensure adequately qualified and experienced contractors and sub-contractors are engaged on the works.*

WORKS FEES AND CONTRIBUTIONS

20. A defects liability bond (in cash or Bank Guarantee) shall be lodged with Council. The date of Practical Completion shall be the date upon which all engineering works are completed and the defects liability bond has been paid. The bond shall be based on 10% of the value of the works that will become Council's assets (Council's adopted Revenue Policy (Fees and Charges)), and will be held by Council for a period of 12 months from the date of Practical Completion. The defects liability bond will be refunded at the satisfactory completion of the maintenance period (12 months).

The bond must be paid to Council **prior to the release of the Subdivision Certificate**.

***Reason:** To provide adequate funds for the rectification of non-compliances, or failure to carry out maintenance during the maintenance period.*

21. A Civil Engineering assessment fee is to be paid to Council **prior to the issue of a Construction Certificate** for the assessment of plans, issue of a Construction Certificate, and inspection of civil works that will impact on or become Council's assets. Rates are as detailed in Council's Revenue Policy (Fees and Charges), with quantities assessed from approved plans.

***Reason:** To ensure engineering works are designed and constructed to Council standards.*

22. All building and construction work by private contractors in NSW, costing \$25,000 or more, is liable for the payment of the Long Service Levy to the Long Service Levy Payments Corporation. Construction work includes civil construction such as roads and bridges, pipelines, fuel gas and water storage and distribution infrastructure, sewerage drainage and treatment systems, retaining walls, electrical distribution infrastructure, etc. Confirmation of the payment to the Corporation (Council is an agent) is to be submitted to Council **prior to the issue of the Construction Certificate**. (Payments through Council are to be made payable to Richmond Valley Council. Cheques payable to the Corporation cannot be accepted by Richmond Valley Council.)

***Reason:** To ensure the long service levy on private contractor constructed works is paid in accordance with State Government legislation.*

23. **Within 30 days of the date of this consent**, the developer is to submit to Council a suggested street name for the new road(s).

The Council is then required to

- Publish a notice in the local newspaper and
- Serve notice on Australia Post, the Registrar General, Surveyor General and in the case of a classified road, on the RTA.

These notices must state that written submissions on the proposed name (names) may be made to Richmond Valley Council and must specify an address to which, and the date by which, any such submissions should be made. If, after consideration, the Richmond Valley Council decides to proceed with the proposed name, the Council shall:

- Publish a notice of the new name (names) in the NSW Government Gazette and in a local newspaper and a brief description of the location of the road.
- Inform Australia Post, the Registrar General, Surveyor General and in the case of a classified road, the RTA of the new name giving sufficient particulars to enable the road to be identified.

All costs associated with the road naming and advertising are at the expense of the developer (refer Council's adopted Revenue Policy.).

The applicant will be advised on the outcome of the process such that the name may be incorporated into the submitted linen plan.

Reason: *To provide a suitable street name(s) for the new street(s) in accordance with Council's adopted Naming of Roads (and Bridges) Policy.*

24. In accordance with Richmond Valley Council's Rural Road Numbering System, the proponent shall place rural road number identification on a post at the vehicular entry point at the front boundary of each of the proposed lots

The applicant is to arrange with Richmond Valley Council's Works Department for the measurement and allocation of rural road numbering in accordance with the Australian Standard.

If rural road numbering cannot be fixed at the time of subdivision, lot marker plates shall be erected 1 metre either side of each common boundary point to indicate the extent of each lot being created.

The street/rural numbering, or lot markers, shall be installed **prior to release of the Subdivision Certificate**.

Reason: *To provide visual identification of allotments*

WORKS DESIGN

25. Plans showing all civil engineering works that will become Council's assets, eg roads, kerb and gutter, stormwater drainage, water, sewer, etc, shall be submitted to Richmond Valley Council. Approval of the plans by Richmond Valley Council is required **prior to the release of a Construction Certificate**. Such works shall be designed and documented in accordance with Council's Standards.

Reason: *To Provide adequate services for the development.*

26. Existing services that require reconstruction or adjusting to suit a development (water, sewerage, stormwater, road works, kerb and gutter, etc.) are to be carried out at the developer's expense. Construction is to be in accordance with Council's standards, or the affected asset owners standards, and shall be completed **prior to the issue of the Subdivision Certificate**.

Reason: *To protect existing services.*

WORKS ENVIRONMENTAL

27. The applicant is to prepare and implement an Erosion and Sediment Control Plan in accordance with NSW Landcom's "Managing Urban Stormwater Soils and Construction, 2004.

For developments where the earthworks will involve the disturbance of greater than 2500 m² a Soil and Water Management Plan must be submitted. Details of Erosion and

Sediment Control Plan and re-vegetation works shall be submitted to Richmond Valley Council for approval **prior to the issue of the Construction Certificate**.

The plan must contain where applicable :-

- a) Name, address and phone number of the person ultimately responsible for ensuring implementation of the plan.
- b) Site Boundaries, Scale, North Point and Locality Plan.
- c) Access protection measures.
- d) Nature and extent of earthworks including the volumes, levels and locations of cut and fill if undertaken.
- e) Where applicable the location of upstream diversion measures to divert "clean" water away from the area of earthworks.
- f) Stormwater discharge points during the construction phase.
- g) Location of all soil, gravel, landscaping material etc stockpiles.
- h) Location and type of proposed erosion and sediment control measures.
- i) Site rehabilitation measures including the timing of revegetation works.
- j) Frequency and nature of maintenance program for erosion and sediment controls.
- k) Existing and proposed contours of the site.
- l) Existing and proposed drainage patterns for the site.
- m) Location of lands where a protective ground cover must, as far as practicable, be maintained.
- n) Approximate location of tree's and other vegetation showing trees and vegetation for removal and retention, consistent with other plans attached to the application.
- o) Identify any areas which are to be fenced off as "no go" areas. Areas to be protected from construction activities to prevent soil compaction (future infiltration, bio retention, grass swale areas or on site effluent disposal areas) or vegetation damage (vegetation to be retained on site).
- p) Details of calculations for sediment basins.
- q) Details of any measures proposed to be kept as permanent stormwater fixtures.

During construction works all motor fuels, oils and other chemicals are to be stored and used on site in a manner which ensures no contamination of stormwater. No incidents of visible pollution leaving the construction site. No litter placed in a position where it may be blown or washed off site.

Reason: *To minimise erosion and sediment and associated impacts in accordance with the Protection of the Environment Operations Act, to protect the capacity of downstream drainage networks (both constructed and natural)*

28. *The NSW Primary Industries (Fisheries division) is to be consulted in relation to any requirements for approvals to carry out any works within the vicinity of the defined water courses located within the development area. Details of NSW Fisheries' determinations are to be submitted to Richmond Valley Council **prior to the issue of any Construction Certificate** for the road access works, **or Subdivision Certificate**.*

Reason: *To comply with state government legislation.*

29. The NSW Department of Water and Energy (DWE) is to be consulted in relation to any requirements for approvals to carry out works in, or in the vicinity of, the defined watercourses located within the development area. Subject to the outcome of the DWE requirements, additional approvals from Department of Primary Industries (NSW Fisheries) may also be triggered. Details of NSW Department of Water and Energy determinations, and any subsequent Department Primary Industries determinations, are to

be submitted to Richmond Valley Council **prior to the issue of the Construction Certificate** for the road access works.

***Reason:** To comply with state government legislation.*

WORKS EARTHWORKS

30. Fill material shall not encroach onto any adjoining land without the written consent of the owner of that land. A copy of the written consent is to be submitted to Council **prior to the release of the Construction Certificate**.

***Reason:** To protect the environment.*

31. **Prior to the release of the Subdivision Certificate**, a geotechnical certificate for the subdivision is to be submitted to Council showing the suitability of each site for development. It is to be furnished by an appropriately qualified person for use by any future purchaser of a lot. Any allotment subject to further earthworks will require an amended Geotechnical Report.

***Reason:** To ensure proper geotechnical supervision and to provide information to future purchasers.*

32. All retaining walls in excess of 600mm (0.6 metres) in height must be of a design certified by a Qualified Structural Engineer, with details verifying the structural integrity of the retaining wall being submitted to Council **prior to the issue of a Construction Certificate**. Construction of site boundary retaining walls should be carried out prior to the start of works upon the building proper in order to stabilise neighbouring properties.

Please note: **Timber retaining walls will not be approved for boundary retaining walls.**

***Reason:** To ensure the structural integrity of the retaining wall, and to protect existing neighbouring properties and public road reserves.*

33. Cross sections of the full site in both directions at 100 metre intervals are to be submitted to Richmond Valley Council for assessment in conjunction with approvals required for all infrastructure design plans. Such cross sections shall clearly indicate existing natural and finished surface levels, and any other features such as underground pipes, inverts of drains and the like.

***Reason:** to provide concept of the overall shape of the development, and adequate information for assessing engineering design plans.*

WORKS INSPECTION/TESTING

34. Test results of civil works that will become Council's assets are required to be submitted to Council to ensure that the material supplied and the work carried out conforms to the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. The full cost of all testing is to be met by the developer.

Test results for road pavement materials, pavement densities, sealing designs and spraying records, pipeline pressure testing, concrete compressive strength, etc are to be

submitted to Council as soon as they are available. All testing results are to be received by Council **prior to the release of the Subdivision Certificate**.

Reason: *To ensure that materials used and construction methods satisfy Council's standards.*

35. Road works hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction method, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- Filling – During filling works, at completion of each layer of fill.
- Drainage – Drainage lines after laying and jointing, but before backfilling.
- Subgrade – Road formation prior to gravelling.
- Sub-Base – Sub-Base course gravel prior to kerb and gutter and/or base course gravel.
- Base course – Prior to surface coating.
- Surface Coating
- Line Marking
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

Reason: *To ensure engineering works are constructed to Council's standards.*

36. Kerb and Gutter hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction method, trench standards, backfilling, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- Prior to pouring – With line and level set and sub base completed.
- After placement – Kerb and gutter after placement and before final gravelling.
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

Reason: *To ensure engineering works are constructed to council standards.*

37. Stormwater drainage hold point inspections (and for works that will impact on Council's infrastructure eg interallotment drainage lines and pits) are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction method, trench standards, backfilling, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- Drainage Pipelines - lines prior to backfilling
- Drainage Structures – Drainage structures when formed up prior to pouring.
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

Reason: *To ensure engineering works are constructed to council standards.*

38. Water Supply works hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction method, trench standards, backfilling, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- water main installation prior to backfilling
- water main and services pressure testing
- hydrant tops, valve tops etc.
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

Reason: *To ensure engineering works are constructed to council standards.*

39. Sewerage works hold point inspections are to be carried out by a representative of Council and the developer at the following typical stages (not all stages may be applicable):

- Pre-construction – An initial inspection to assess proposed construction methods, trench standards, backfilling, trees to be removed, erosion and sediment controls, compulsory inspections, etc.
- sewer line installation prior to backfilling
- sewer line pressure testing
- manhole construction including benching
- manhole leak testing
- Work as Executed plans
- Practical Completion
- End of maintenance period

All inspections will require a **minimum of 24 hours prior notification** to Council.

Reason: *To ensure engineering works are constructed to Council's Standards.*

ROADS

40. The developer is to supply and erect a street name sign for the new street(s). The sign(s) is to be similar in style to existing signs in the area. The sign is to be erected **prior to the release of the Subdivision Certificate**.

Reason: *To provide street signage.*

41. The developer shall provide the following road works, with associated stormwater drainage structures, that have been designed and constructed in accordance with Council's Northern Rivers Development and Design Manual and the Northern Rivers Local Government Construction Manual. The developer shall be responsible for any costs, including maintenance, for a period of twelve months from
1. the date of approval of completion of the work, or

2. from the date of the commencement of the maintenance bond (whichever is later).

Detailed road works designs and construction shall include the following:

- a. all road, intersection and cul de sac designs shall provide for B double truck movements.
- b. Road numbers 1, 2, 3, and 4, and the intersections onto Reynolds Road and the intersection works at the Summerland Way are to have an AC finish.
- c. the widened Reynolds Road between the AC intersections may be finished as a 2 coat seal.
- d. the intersection of Roads 2, 3, and 4 is to be designed and constructed to the tangent point of the kerb return with Road No. 2 as the through road.
- e. Give way signs shall be placed where Road No.s 3 and 4 meet the through road Road No. 2.
- f. square barrier kerbs, or appropriate barriers in association with the proposed road level concrete edge strip, are to be included in the design to prevent heavy vehicles from leaving the constructed road pavement.
- g. testing shall be carried out to determine the appropriate pavement design. Testing details and design shall be submitted to Richmond Valley Council for assessment and approval **prior to finalising the engineering design plans**.
- h. all works associated with the Summerland Way, including the intersection, are subject to the design and construction requirements of the Roads and Traffic Authority. Concurrence of the Roads and Traffic Authority (Roads Act requirement) is to be received by Richmond Valley Council **prior to the release of the Construction Certificate**.

Road works include pavement design, drainage design, construction and sealing of the proposed roadway in accordance with the Northern Rivers Local Government Development and Design Manual and the Northern Rivers Local Government Construction Manual. Engineering design, pavement design plans and proposed sealing details are to be submitted to and approved by Richmond Valley Council **prior to the release of the Construction Certificate**.

***Reason:** To ensure an adequate road network in accordance with adopted standards.*

42. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director of Works **prior to the issue of a Subdivision Certificate**. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable **prior to the issue of a Subdivision Certificate**.

***Reason:** To maintain a safe and clean road network.*

ACCESS, APRONS AND DRIVEWAYS

43. To verify that adequate vehicular access will be feasible, a scaled long section of the proposed driveways, from the road centreline at the point of access to the proposed access to each lot shall be provided. This long section must be submitted to Council and approved **prior to the release of the Construction Certificate** and shall include:
- a. Proposed finished surface levels from the road centreline and through any proposed kerb and gutter or drain
 - b. Proposed grades and finished surface levels in the driveway up to the proposed site level

- c. Preliminary details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

Note: No part of the driveway shall have grades exceeding Council's Standard. Therefore, the long section shall be taken along the critical path, i.e. the side of the driveway that will have the steepest grades or greatest changes of grade.

Reason: *To ensure that driveway accesses meet Council's Standard.*

WATER SUPPLY

44. The applicant shall provide water supply/reticulation to service the development without negatively impacting on the existing supply infrastructure.

The applicant is to carry a water supply system analysis in this area to ensure that water supply needs can be met for this development without impacting on the current supply system in accordance with the Water Supply Code of Australia WSA 03.

The design plans for the water supply shall incorporate any upgrade requirements identified in the analysis and be submitted to Richmond Valley Council for approval **prior to the issue of the Construction Certificate.**

The completed water supply infrastructure is to be accepted by Richmond Valley Council **prior to the release of the Subdivision Certificate.**

Reason: *To provide adequate services for the development.*

45. Full design plans of the proposed engineering works to satisfy water supply conditions shall be submitted to Council. Such plans must be approved by the Council's Water and Wastewater section **prior to the issue of the Construction Certificate.**

Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

The completed water supply infrastructure is to be accepted by Richmond Valley Council **prior to the release of the Subdivision Certificate.**

Reason: *To provide adequate services for the development.*

46. Council will undertake all works involved in the final connection to the existing water supply system. This work will be carried out after inspection and testing of the developer constructed works, and will be at the developer's cost. A minimum of 48 hours notice is required. Where Richmond Valley Council is required to supply materials for the work, longer notice to Council is essential.

Reason: *Council carries out work on existing operational infrastructure.*

47. The proponent shall provide water supply works (mains, valve, hydrants, services, etc) to service the development.

Each property is to be supplied with minimum 32 mm ø water service line from the main to inside the property boundary. The service shall be terminated with 32 mm ø path cock, then reduced to accommodate a 20mm water meter with back flow prevention.

The completed water supply infrastructure is to be accepted by Richmond Valley Council **prior to the release of the Subdivision Certificate.**

Council design standards adopt the WSA Codes with the Tweed Shire Council standard drawings

***Reason:** To Provide adequate services for the development.*

48. The applicant shall disconnect the water supply connections that currently service the lots. The water supply connection shall be disconnected at the water main.

The disconnections are to be carried out by Richmond Valley Council prior to the commencement of demolition or house removal works. Please contact Council's Engineering Assistant Services on Ph (02) 66600247 to arrange the Private Works arrangements.

Actual cost must be charged in accordance with Council's private works policy. The applicant's is required to obtain an estimate of cost from Council's Operations Engineer for the purpose of initial prepayment. Payment to Richmond Valley Council is required **prior to the issue of a Construction Certificate**

***Reason:** To provide adequate disconnection of services from the development.*

SEWERAGE

49. The proponent shall provide sewerage infrastructure to service the development. Sewerage works shall be designed and constructed in accordance with Council's standard. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Council's Water and Wastewater section for a period of twelve months from the date of practical completion. Works shall include a sewer junction to each allotment at a location and depth to enable connection of future dwellings. All mains and junctions are to be a minimum of 150 mm diameter.

The completed sewerage infrastructure is to be accepted by Richmond Valley Council **prior to the release of the Subdivision Certificate.**

Details of the sewer design need to be submitted. Pump station details, manholes, gravity reticulation, rising main, property connection details.

Council design standards adopt the WSA Code with the Tweed Shire Council standard drawings

***Reason:** To provide adequate services for the development.*

50. Full design plans of the proposed engineering works to satisfy sewerage conditions shall be submitted to Council. Such plans must be approved by the Council's Water and Wastewater section **prior to the issue of the Construction Certificate.** Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.

The design plans for the sewerage system shall incorporate any amended requirements identified in analysis of the following issues. The following issues are to be addressed in the engineering design:

- a) The applicant shall redesign the reticulation and pump station design to allow for one pumping station only, likely to be at the SPS1 site. Details and justification of the inability of a one pump station design shall be submitted to Richmond Valley Council for assessment and approval. If Richmond Valley Council accepts the inability of the one pump station design to provide adequate sewerage, alternative arrangements will be considered. Such alternatives (eg low pressure pumping system on isolated lots) must be submitted to and approved by Richmond Valley Council prior to finalising the sewerage system design. The design plans for the sewerage system shall incorporate any amended requirements identified in the approved sewerage system layout.
- b) The applicant shall provide a reticulation design analysis downstream from the proposed delivery manhole downstream to and including Casino Pump Station 1 in Wheat St. Dependant on the outcome of this analysis, it may even be necessary to consider constructing a rising main direct to Casino Pump Station 1 in Wheat St. (This is to ensure that the gravity sewer system can handle the ultimate loadings from the development and that other areas of Casino which fall to the 450mm trunk main are not impacted upstream.) The design plans for the sewerage system shall incorporate any upgrade requirements identified in the analysis.
- c) Details and calculations of the design sizing for the proposed 75mm PE rising main are to be submitted to Richmond Valley Council for assessment and approval. Council requires the route to follow the road reserve to allow future access, with the anticipated line following Reynolds Rd, Summerland Way to Rosewood Ave, down Rosewood Ave to Sheppard St, then along Sheppard St to the delivery manhole. The sewer rising main design is to cater for any changes required by the revised route. (The original proposed design route runs east through the cemetery, and along an unformed road reserve to Rosewood Ave to Sheppard St at the base of an old landfill site. The original proposed route traverses land that would provide difficulty for access for maintenance staff when required in the future.)
- d) Septicity issues are to be addressed by the applicant with details to be submitted to Richmond Valley Council for assessment and approval. The design plans for the sewerage system shall incorporate any requirements identified in this analysis.
- e) Justification of using PE pipe is required. Details to be submitted to Richmond Valley Council for assessment and approval. (Council's normal requirements are for UPVC pipe.) The design plans for the sewerage system shall incorporate the result of the material selection approved by Richmond Valley Council.
- f) The applicant is to carry out a sensitivity analysis to compare the 2 design codes with different scenarios of industry type and subsequent loading rates. The analysis is to be submitted to Richmond Valley Council for assessment and approval. The rate approved by Richmond Valley Council is to be incorporated into all sewer infrastructure designs (eg low pressure systems, pump stations, rising mains)
 - The PWD design manual uses 4 EP/ET at 240L/person/day.
 - The WSA 02 manual uses 3.5 EP/ET at 180L/person/day.

The completed sewerage infrastructure is to be accepted by Richmond Valley Council **prior to the release of the Subdivision Certificate.**

Reason: *To provide adequate services for the development.*

51. Council will undertake all works involved in the final connection to the existing sewerage system. This work will be carried out after inspection and testing of the developer constructed works, and will be at the developer's cost. A minimum of 48 hours notice is required. Where Richmond Valley Council is required to supply materials for the work, longer notice to Council is essential.

Reason: *Council carries out work on existing operational infrastructure.*

STORMWATER

52. All stormwater is to be directed to Council's existing stormwater drainage system and/or a natural watercourse. Stormwater design plans (including pipe sizes, pit surface and invert levels, driveway and parking area levels and directions of flow, treatment details, etc) in accordance with Council's standards for urban and rural stormwater drainage are to be prepared and shall be submitted to Richmond Valley Council for assessment and approval.
- Council approval of the management of stormwater and infrastructure design plans is required **prior to the issue of the Construction Certificate.**
 - All designs must have provision to ensure that all gross pollutants remain above ground and cannot enter Council's stormwater system.
 - full design details are to be submitted to Richmond Valley Council for assessment and approval of the proposed bio retention areas and the interaction with the receiving stormwater infrastructure
 - Inter-allotment drainage shall be provided for all lots where roof/paved area water does not drain directly to a public road or defined drainage area. This includes surrounding properties that flow onto the development, or receive flow from the development.
 - Council will not support the use of 'wet sump systems' for the treatment of stormwater quality, plans showing such devices will not be approved for construction.
 - Public Liability Cover to a minimum value of \$10,000,000.00 is required for contractors working in the road reserve. A certificate of currency is required.
 - The completed stormwater infrastructure is to be accepted by Richmond Valley Council **prior to the release of the Subdivision Certificate.**

Reason: *To ensure an adequate stormwater drainage system in accordance with adopted standards and that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from or onto any paved areas and buildings that may be constructed on the land.*

53. Throughout all stages of this development compliance with Richmond Valley Council's Development Control Plan No.9: Water Sensitive Urban Design is required.

Reason: *To protect the environment by minimising the impacts of urban development on the natural water cycle.*

54. All stormwater arising from the development and its future embellishment, must comply with the stormwater quality management objectives contained in Table 3 of Council's Development Control Plan No.9: Water Sensitive Urban Design. Full details demonstrating compliance with this condition must be submitted for approval with the engineering design plans for the subdivision.

Reason: *To protect the environment by minimising the impacts of urban development on the natural water cycle.*

55. A Section 68 application to carry out stormwater drainage work, must be submitted and be approved by Council prior to issue of the Construction Certificate. The application must be accompanied by the engineering design plans for the subdivision.

Reason: *To satisfy the requirements of the Local Government Act, 1993, and to ensure the environmental management of stormwater complies with contemporary standards.*

WORK AS EXECUTED

56. Upon completion of works to be vested in Council, and **prior to the issue of a Subdivision or Occupation Certificate, Work as Executed** drawings and plans in digital format shall be lodged with Council (AutoCAD or similar – changes as a separate layer in red). Minor works that have not been prepared electronically are to be submitted at 1:500 scale or better. All work as executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plan is accurate. The plans must clearly identify any amendments (in red) to the original design. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action with respect to breach of copyright.

Sewer plans are to include full junction details – distance from downstream manhole, and depth.

Reason: *To provide adequate records of services for the development.*

57. In regards to filling the existing dams you are required to:-
- (a) submit a management plan to council in regards to filling the dams focusing on such areas as but not limited to:-
- ensuring a ecologist is on-site when the water is being pumped from the dam and prior to back filling the dam;
 - ensuring that a small amount of water is left in the dam to evaporate ensuring that any sediment remains in the dam;
 - ensure the safe removal of any reptiles and aquatic organisms i.e. fish to a suitable nearby location;
 - the area on the property where you intend to dispose of the water in the dams; and,
 - the timeframe for back filling the dams.

Reason: *To protect the environment*

58. No water or sediment is to be discharged off the property boundary of the sub-division during the emptying and filling of the existing dams. Suitable measures are to be put in place to achieve this.

Reason: *To protect the environment*

59. Prior to the release of the construction certificate you are required to submit a noise management plan to Council. The plan is to address such issues as, but not be limited to, noise attenuation practices in regards to the existing house Lot 1 DP1091888.

Reason: *To ensure the amenity of the area is preserved*

60. Standard construction hours shall be limited as follows:-

- 7am to 6pm Monday to Friday.
- 7am to 1pm Saturday.
- No construction work to be carried out on Sundays or public holidays.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act 79C(b)).*

61. In regards to the removal of existing structures on the property, any waste materials removed from the site, such as materials associated with the removal of existing houses, are to be disposed of to a licensed landfill facility. However, please note that Evans Head landfill facility cannot accept this waste material.

Reason: *To Protect the environment.*

62. The waste storage area around the skip that is intended to be in place for waste materials during construction is to be managed effectively ensuring that the area is maintained in a clean and tidy condition at all times, with no accumulation of waste materials except in the skip provided.

Reason: *To preserve and protect the environment (EPA Act Sec 79C(b)).*

63. **Prior to the release of the Construction Certificate** you are required to submit details of the plantings proposed for in the 10metre wide tree screens to be provided for in an 88B instrument. The number and predicted density of these planting is to be provided.

These details shall address the maintenance requirements for the 10metre wide tree screens.

Reason: *To ascertain if the planting will be suitable for noise attenuation and to provide amenity.*

DEMOLITION

64. All demolition work must comply with the provisions of AS 2601 – 2001 “The Demolition of Structures” as in force at 1 July 1993.

Appropriate precautions shall also be taken to ensure compliance with the requirements of WorkCover Authority of NSW.

Reason: *To ensure compliance with the Australian Standard and protection of the public is provided.*

65. Removal and disposal of asbestos is to be in accordance with the requirements of the WorkCover Authority of NSW. Two (2) days written notice is to be provided to adjoining property owners **prior to commencement of work.**

Reason: *Prior arrangements to be made with Council's landfill in regard to disposal arrangements.*

66. Removal and disposal of materials coated in lead paint shall be undertaken in accordance with the requirements of the WorkCover Authority of NSW.

Reason: *To ensure the work environment is protected.*

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval for NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997

1. Access shall comply with section 4.1.3 (1) of Planning for Bushfire Protection 2006.

Note:

Any future development application for the erection of buildings must be subject to separate application under section 79BA of the EP & A Act and address the requirements of Planning for Bushfire Protection, 2006.

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: The applicant is required to contact Council in relation to compliance with the above General Terms of Approval.

NOTE 2: The Subdivision Certificate shall not be released by Council until all conditions of Development Consent Notice 2008.0091 as imposed by Richmond Valley Council have been complied with to the satisfaction of Council.

NOTE 3: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 4: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

NOTE 5: In accordance with clause 98(1) of the Environmental Planning and Assessment Regulation, it is a condition of Development Consent for development that involves any building work, that the work must be carried out in accordance with the requirements of the Building Code of Australia.

NOTE 6: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

NOTE 7: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

Under the provisions of Clause 98 of the Environmental Planning and Assessment Regulation for the purposes of Section 80A(11) of the Environmental Planning and Assessment Act the following conditions are Prescribed Conditions:

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Required by Clause 98 of the Regulation.*

2. In the case of residential building work for which the Home Building Act 1989 requires there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

Reason: *Required by Clause 98 of the Regulation.*

3. Any Development that requires building work, subdivision work or demolition work a sign must be erected on the development site in a prominent position before the commencement of any work showing:

- a) Name, address and telephone number of the Principal certifying Authority for the work.
- b) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.
- c) Stating that unauthorised entry to the work site is prohibited.

NOTE: The sign must be of rigid and durable material and maintained on the site until work has been completed. The sign must be easily read by anyone in any public road or public place adjacent to the site.

Reason: *To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98A and 227A of the Accompanying Regulation.*

DATE FROM WHICH CONSENT OPERATES

Section 83 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect of designated development, the consent shall remain in deferment and not become effective until the appeal has been determined. The consent shall be void if, on appeal, the development is refused.

COMPLIANCE

The development shall be carried out in accordance with the application, and "approved plans" as may be attached to this consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within twelve (12) months after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

LAPSING OF CONSENT

Section 95 of the Environmental Planning & Assessment Act provides that a development consent lapses five years after the date from which it operates, but that the consent authority may reduce this period.

Richmond Valley Council has reduced this period to three years. Therefore, this consent lapses three years from the date of operation of this consent UNLESS:

- building, engineering, or construction work relating to this development is commenced on the land within the period of operation of the consent, or
- if no such works are required, the use of the premises commences within the period of operation of the consent.

EXTENSION OF CONSENT

In accordance with Section 95A, upon receipt and consideration of written application to the Council, an extension of twelve (12) months may be granted should the consent be valid for a period of less than five (5) years. Written application (including reasons for requesting such extension) is to be submitted to Council at least one month prior to the consent notice expiry date. Council cannot approve any more than one (1) application for a twelve (12) month extension to any consent notice.

MODIFICATION OF CONSENTS

Under the provisions of S96 of the Environmental Planning and Assessment Act an applicant may apply to Council for modification of the consent.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 121B provides that the Council may issue an order requiring completion of the work within a specified time, being not less than twelve months.

For and on behalf of Richmond Valley Council

Angela Jones

Director Infrastructure and Environment


per: Sonja Kennedy

Enc.

Cc: Country Member Pty Ltd & Western Views Pty Ltd
PO Box 255
MAIN BEACH QLD 4217



NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION TO MODIFY EXISTING DEVELOPMENT CONSENT

Environmental Planning and Assessment Act, 1979 (As Amended)

Sonja Kennedy – Development Assessment Planner
Telephone: (02) 6660 0300

CONSENT MODIFICATION

Modification: (MC2008.0091.01 – 6 October 2016)

To: Western Views Pty Ltd
C/- Greg Alderson & Associates
Scarrabelottis Road
NASHUA NSW 2479

Being the applicant for modification of: **Development Application No. 2008.0091**

Consent Originally Issued: 21 November 2007.

**Subdivision to create 14 industrial lots ranging in size from 0.49 ha to 19.4 ha;
road reserve and associated works (Amended 6/10/2016)**

Pursuant to Section 96(1) of the Environmental Planning and Assessment Act, and Section 122 of the Environmental Planning and Assessment Regulation, notice is hereby given of the determination by the Council, as Consent Authority, of the modification application lodged **11 July 2016** relating to the land described as follows:

**Lot 8 DP 577269, Lot A DP 405777, Lot 1 DP 518029, Lot 244 DP 755727, Lots 9,
12 & 13 DP 755727, Lot 2 DP 1091888, Lot 1 DP 118483, Lot 2 DP 570138 & Lot
1 DP1174111 – Reynolds Road, North Casino (Amended 6/10/2016)**

The application for modification has been determined by-

MODIFICATION to the conditions as specified below:

IMPORTANT NOTICE

**THIS IS A LEGAL DOCUMENT. ENSURE THAT YOU READ THE DOCUMENT CAREFULLY,
AND PARTICULARLY NOTE ALL ATTENDANT INSTRUCTIONS AND CONDITIONS**

The modifications are set out as follows:

Amend Development Description to Read:

Subdivision to create 14 industrial lots ranging in size from 0.49 ha to 19.4 ha; road reserve and associated works **(Amended 6/10/2016)**

Amend Development Description to Read:

Lot 8 DP 577269, Lot A DP 405777, Lot 1 DP 518029, Lot 244 DP 755727, Lots 9, 12 & 13 DP 755727, Lot 2 DP 1091888, Lot 1 DP 118483, Lot 2 DP 570138 & Lot 1 DP1174111 – Reynolds Road, North Casino **(Amended 6/10/2016)**

Amend Condition No. 1 to Read:

1. In granting this development consent, Council requires:

- the development,
- all roads/civil works,
- lot boundaries, and
- areas subject to any amendment or modification called for in the following conditions

be substantially in accordance with the stamped approved S96 Amended Proposed Lot Layout Plan received by Richmond Valley Council on 5 September 2016 and/or supporting documents submitted with the application. A copy of the approved plan is attached to this consent. **(Amended 6/10/2016)**

***Reason:** To correctly describe what has been approved. (EPA Act Sec 79C)*

Add Condition No. 1a to Read:

1a. A separate development application or complying development certificate application shall be lodged with Richmond Valley Council to remove the existing dwelling on Lot 244 DP755727. The existing dwelling shall be removed and the septic tank decommissioned to the satisfaction of Richmond Valley Council prior to release of the Subdivision Certificate. **(Added 6/10/2016)**

***Reason:** To ensure existing structures on the subject land are wholly contained within the proposed lot boundaries.*

Add Condition No. 1b to Read:

1b. This consent is for the subdivision of land only and does not constitute approval for a rail siding on proposed Lot 15. **(Added 6/10/2016)**

***Reason:** To correctly describe what has been approved.*

Add Condition No. 1c to Read:

1c. The development must not increase water flows at any ARTC drainage structure or adversely change water flows within the rail corridor. **(Added 6/10/2016)**

***Reason:** To protect existing ARTC infrastructure.*

Amend Condition No. 12 to Read:

12. Payment of contributions levied under Section 64 of the Local Government Act, Section 94 of the Environmental Planning and Assessment Act and Richmond Valley Council Revenue Policy and Contributions Plan are required. Such levies shall contribute

towards the provision of public services and/or amenities and water and sewage augmentation identified in the attached schedule.

The rates detailed in the attached schedule are applicable until **June 30, 2017**. If the scheduled contributions are not paid prior to **June 30, 2017**, the rates shall be increased in accordance with the listing of rates in Richmond Valley Council's adopted Revenue Policy. Where the total contribution payable exceeds \$10,000 payment to Council must be by bank cheque, cash or direct deposit. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid **prior to the release of Subdivision Certificate. (Amended 6/10/2016)**

Reason: *To provide funds for the provision of services and facilities identified in Richmond Valley Council's Section 94 Contributions Plan (EPA Act Sec 94) and the Water and Sewer Developer Contributions Plan.*

Former Casino Council Area

Levy Area		TechOne Code	No. of ET's	Cost per ET (\$)	Amount Payable (\$)
Water Augmentation	Casino area	Wat64Hwks	8	8,644.65	\$69,157.20
Sewerage Augmentation	Casino area	Sew64Hwks	14	8,000.00	\$112,000.00
TOTAL					\$181,157.20

INFORMATION TO APPLICANTS

All conditions and advisory notes as provided in the original consent remain valid, except where amended by any subsequent formal modification(s).

COMPLIANCE

The development shall be carried out in accordance with the application, and "approved plans" as may be attached to the original consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 96(6) of the Environmental Planning and Assessment Act 1979 and Section 122(2) of the Environmental Planning and Assessment Act Regulation, gives you the right of appeal to the Land and Environment Court.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent or modification thereof issued by the Council.

For and on behalf of Richmond Valley Council.

Angela Jones
Director Infrastructure and Environment


per: Sonja Kennedy

Encl.

Cc: Country Member Pty Ltd & Western Views Pty Ltd, PO Box 255, MAIN BEACH QLD 4217



