

Ordinary Council Meeting

27 February 2024

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clarence
VALLEY COUNCIL

21 December 2020

Reference: DA2020/0474
Contact: Carmen Landers

R C Donges
12 Nautilus Place
YAMBA NSW 2464

NOTICE OF DETERMINATION OF APPLICATION

Pursuant to Section 4.18(10(a) of the Environmental Planning and Assessment Act, 1979

Application No: DA2020/0474
Applicant: Robert Collin Donges
Owner: Woombah Holding Pty Ltd
Property Address: 54 Iluka Road WOOMBAH NSW 2469
Legal Description: Lot 61 DP 802939
Development Proposal: Convert caravan park to manufactured homes estate

DEVELOPMENT CONSENT

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, notice is hereby given that Council has considered your application for the subject Development. The subject determination is an “**operational**” consent which is effective from the date appearing on the bottom of each page of the formal notice.

The Development Application has been determined by:

Consenting to the development with conditions.

Determination of the application was made:

By Council at their Meeting of 15 December 2020 (Item No. 6b.20.091).

Determination Date:

21 December 2020

Approved Plans and Documentation

THE DEVELOPMENT SHALL COMPLY WITH THE PLANS LODGED WITH THE APPLICATION AND AS MAY BE AMENDED BY THE FOLLOWING CONDITIONS OF CONSENT AND/OR BY AMENDED PLANS AND DETAILS.

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Locked Bag 23 GRAFTON NSW 2460

Definitions

Applicant means Robert Collin Donges or any party acting upon this consent.

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.

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**.

ET means an 'equivalent tenement'. This is the demand or loading a development will have on infrastructure in terms of water consumption or sewage discharge for an average residential dwelling or house.

Advices

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

1. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 1.5 ET demand on Council's water supply. This includes an applicable credit for pre-existing uses. The headworks charges at 2020/21 financial year rates are:

Water Headworks \$4,979.00 x 1.5 additional ET = \$7,468.50

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

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2. Any future development of the site will require a Traffic Impact Assessment and a detailed Stormwater Management Plan to be submitted with the development application.
3. Prior to issue of the Approval to Operate Council's 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 2005 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.
4. No construction is to be commenced until a Construction Certificate has been issued.
5. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
6. Any further amendment/upgrade to the OSM system or redevelopment stages must be addressed in a wastewater management report and development application.

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 No	Drawn by	Plan Date	Revision
12740-03	O'Donohue & Associates Pty Ltd	12 August 2020	7

Approval to Operate

2. An Approval to Operate under Section 68 of the *Local Government Act 1993* must be issued prior to use of the site as a manufactured homes estate. This will require an inspection of the completed development by Council Environmental Health Officer prior to issue of the Approval to Operate.
3. Prior to issue of the Approval to Operate under Section 68 of the *Local Government Act 1993*, Council must be satisfied that any improvement notices in relation to the operation of the onsite waste water system have been complied with.

4. The manufactured home estate must be designed, constructed, maintained and operated in accordance with the requirements of Part 2, Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) regulation 2005*. This must be demonstrated prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993.
5. Development Approval DA83/464 for the caravan park must be surrendered prior to the Approval to Operate for the Manufactured Homes Estate under Section 68 of the Local Government Act 1993. No camping or caravans are permitted on the site thereafter.

Section 7.12 Contributions

6. Payment to Council of the contributions pursuant to Section 7.12 of the Environmental Planning and Assessment Act:

\$17,115.22

GL S94ACVCOthResAcco

This amount is based on the following calculation:

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$1,711,522.00

The contributions are to be paid to Council prior to release of the Approval to Operate. All contribution plans are available for inspection on Council's website.

In the event of any subsequent amendment to the approved Development Plans, the calculated contribution amounts may vary, and if so will become the contribution payable. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

Integrated Development Conditions

7. This approval has also been granted under Section 4.47 of the Environmental Planning and Assessment Act 1979. Compliance with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated 16 November 2020, consisting of [four (4) pages], and as attached to this Notice of Determination. Compliance is to be demonstrated prior to release of the Approval to Operate under section 68 of the *Local Government Act 1993*.

Building Conditions

8. Any new buildings are not to be occupied or used until such time as an Occupation Certificate has been issued.

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9. **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.

10. **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.

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.

11. **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).

12. 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;
- 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 certifier for the work.

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

