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Items for Consideration of Council

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Orders of the Day

1. **Notice of Rescission - Cr James, Cr Luff and Cr Carroll**

Proposed 82 Lot Subdivision at Lot 3 DP 865049 Coast Road, South Kingscliff - Casuarina Beach Stage 2

DA1180/382 Pt3, Notice of Motion

That Council resolution at Minute No 1645 in relation to Item 1 of the Extraordinary Meeting held 31 May 2000 being:-

"... that :-

- A. That Development Control Plan No. 11 - Kings Beach be amended to reflect condition 9.*
- B. Council approves the Stage 2 development application K99/1360 submitted by Kings Beach Project (No. 2) Pty Ltd for the subdivision of Lot 3 DP 865049 Coast Road, South Kingscliff into 82 lots subject to the following conditions:-*

PRE-REQUISITES - conditions that must be complied with prior to the release of a construction certificate

- 1. Prior to the issue of a Construction Certificate a Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.*
- 2. Prior to the release of the Construction Certificate details are to be submitted on the acoustic fencing and landscaping along Coast Road to the satisfaction of Council. The approved works shall be completed **PRIOR** to release of the linen plan.*
- 3. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.*
- 4. Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-*
 - a. Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or*

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- b. *AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.*
5. *A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work be is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species which ensure no potential for seed transfer to Lot 500 which would conflict with the propagation and maintenance of species specified in the Dune Management Plan and Lot 500 Management Plan.*
6. *The Stage 1 linen plan required by the Stage 1 development consent S96/135 shall be registered **PRIOR** to issuing any construction certificate pursuant to this consent. The Stage 2 layout is to be consistent with the lot boundaries of open space lots 8, 9, 10, 11, 12, 13 and 14.*

GENERAL

7. *Prior to the issue of a Subdivision Certificate pursuant to this consent **ALL** works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.*
8. *Submission of separate development applications for further development of the residue lots (lots 19, 29, 30 and 31).*
9. *The Architectural Design Regulations shall not be included in any legal document to be administered by Council. **NOTE:** Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions:*
- (i) *The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.*
- The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.*
- Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.*
- (ii) *The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.*
- (iii) *The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.*
- (iv) *For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.*

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- (v) *All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.*

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

10. *The development shall be completed in general accordance with Figures E5 and E6 prepared by Cardno MBK and dated September 1999, except where varied by these conditions.*
11. *Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.*
12. *No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.*
13. *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 Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*
14. *The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.*
15. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1360 have been complied with.*
16. *The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:*
 - i. *Easements for sewer, water supply and stormwater drainage over ALL services on private property.*
 - ii. *A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.*

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

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17. *Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.*
18. *In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.*
19. *Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.*
20. *Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of Council. The sign is to remain in place until the Subdivision Certificate is issued.*
21. *It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable' which traverses the subject site is protected from construction damage.*

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently decreased or increased without the consent of the owner of the cable.
22. *All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.*
23. *Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council 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.*
24. *In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.*

Open Space

Casual Open Space

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25. *Management Lots 12 (proposed lot 81) and 13 in the Stage 1 consent S96/135 in so far as they relate to this Stage 2 consent are to be suitably embellished in accordance with condition 39(f) and (g) of Consent S96/135 for Stage 1 prior to the release of the linen plan for Stage 2 including:-*
- (i) *removal of bitou bush and other noxious weeds*
 - (ii) *rehabilitation of the area consistent with the Dune Management Plan referred to in Condition 35 of Consent S96/135 for Stage 1 and good practice in this regard*
 - (iii) *provision of adequate and appropriate security lighting for users of Lots 12 and 13.*
 - (iv) *provision of suitable related day visitor facilities, generally consistent with drawings contained in Appendix E to the Statement of Environmental Effects for Stage 1 (S96/135) as amended by the Landscape Master Plan submitted with the application.*
 - (v) *The land between the constructed cycleway/walkway and the Lot 500 boundary and the western boundary of proposed Lot 13 in Stage 1 shall be embellished to enable the area to be used for passive open space including picnicking to the satisfaction of Council. Existing tree cover shall be maintained to the maximum extent possible.*
 - (vi) *The cycleway/walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.*
26. *Dedication, at no cost, to Council, of the local parks (Lots 20 and 81). These parks are to be suitably embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover. Details to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment work shall be completed prior to release of the linen plan.*

CONTRIBUTIONS

27. (i) *Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.*

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(ii) GST

If GST is applicable the following shall apply.

1.1 In this Clause 1:

“GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 *Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.*

1.3 *Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.*

1.4 *Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.*

1.5 *In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:*

GST payable = The GST inclusive market price of the asset $\times \frac{1}{11}$.

1.6 *The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.*

a. Tweed Road Contribution Plan:

78 lots @ \$2394 per lot \$186,732.00

S94 Plan No. 4 (Version 4.0)

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(Duranbah/Cabarita/Kings Forest Development - Residential)

Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to condition 12(a)(i) of the Stage 1 consent No. S96/135 and Section 94 Plan No. 4.

(iii) Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\$Con_{TRCP - Heavy} = Prod. \times Dist \times \$Unit \times (1 + Admin.)$$

where:

$\$Con_{TRCP - Heavy}$ *heavy haulage contribution*

and:

Prod. *projected demand for extractive material to be hauled to the site over life of project in tonnes*

Dist. *average haulage distance of product on Shire roads
(trip one way)*

$\$Unit$ *the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)*

Admin. *Administration component - 5% - see Section 6.5*

- b. *Street Trees: 78 lots @ \$42.90 per lot* *\$3,346.20*
S94 Plan No. 6
- c. *Shirewide Library Facilities:*
78 lots @ \$300 per lot *\$23,400.00*
S94 Plan No. 11
- d. *Eviron Cemetery/Crematorium Facilities:*
78 lots @ \$126 per lot *\$9,828.00*
S94 Plan No. 13
- e. *Bus Shelters: 78 lots @ \$23 per lot* *\$1,794.00*
S94 Plan No. 12
- f. *Emergency Facilities (Surf Lifesaving)*

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- 78 lots @ \$80 per lot \$6,240.00
- S94 Plan No. 16
- g. *Extensions to Council Administration Offices
& Technical Support Facilities*
- 78 lots @ \$344.81 per lot \$26,895.18
- S94 Plan No. 18
- h. *Cycleways: 78 lots @ \$160 per lot* \$12,480.00
- S94 Plan No. 22
- Contribution to be credited against cost of works in condition 48 (i).*
- i. *Structured Open Space: 78 lots @ \$640 per lot* \$49,920.00
- S94 Plan No. 19
- j. *Community Facilities: 78 lots @ \$497 per lot* \$38,766.00
- S94 Plan No. 19
28. *In addition to the normal contribution required by S94 Plan No 16 – Emergency Facilities (Surf Lifesaving) an amount of \$55 per lot shall be paid towards the cost of providing Surf Lifesaving facilities within the area between Kingscliff and Cabarita. (ie 78 lots @ \$55 per lot = \$4290).*
29. *A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.*

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

GST

If GST is applicable the following shall apply.

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other

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things introduced by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

- 1.2 *Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.*
- 1.3 *Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.*
- 1.4 *Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.*
- 1.5 *In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:*

GST payable = The GST inclusive market price of the asset x $\frac{1}{11}$.
- 1.6 *The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.*

Water: 78 lots @ \$3420 per lot \$266,760.00

Local Section 64 Water Supply Levy

78 lots @ \$205 per lot \$15,990.00

Sewer: 78 lots @ \$2820 per lot \$219,960.00

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

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FURTHER APPROVALS

30. *Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.*

The following information must accompany applications for a construction certificate for subdivision work.

(i) Subdivision Work

In the case of an application for a construction certificate for subdivision work required by this consent:

- a) *copies of compliance certificates relied upon*
- b) *four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:*
- *earthworks*
 - *roadworks*
 - *road pavement*
 - *road furnishings*
 - *stormwater drainage*
 - *water supply works*
 - *sewerage works*
 - *landscaping works*
 - *sedimentation and erosion management plans*
 - *location of all service conduits (water, sewer, NorthPower and Telstra)*
 - *the approved Traffic Control Plan*
 - *the relevant maintenance manuals (eg. G.P.T's, water pump station)*

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

31. *Subdivision work in accordance with a development consent must not be commenced until:-*

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- (a) *a construction certificate for the subdivision work has been issued by:*
- (i) *the consent authority, or*
 - (ii) *an accredited certifier, and*
- (b) *the person having the benefit of the development consent:*
- (i) *has appointed a principal certifying authority, and*
 - (ii) *has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and*
- (c) *the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.*
32. *Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount of \$10,000.*
- The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of Council.*
- The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.*
33. *Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.*
- (i) *The following information must accompany an application:*
- *original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$110 per lot - 82 lots @ \$110/lot = \$9020*
 - *relevant development consent or complying development certificate*
 - *detailed subdivision engineering plans endorsed with a construction certificate (where applicable)*
 - *for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate*
 - *evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)*
 - *a certificate of compliance from the relevant water supply authority (where applicable)*

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- *if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council*
 - *for subdivision involving subdivision works evidence that:*
 - *the work has been completed, or*
 - *agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or*
 - *security given to the consent authority with respect to the completion of the work*
 - *Work as Executed Plans for ALL works*
- (ii) *Documentary evidence that all matters contained in Section 109J of the Act have been complied with.*
- (iii) *Written evidence from Council that the proposed road/street names have been approved.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

34. *Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-*
- (i) *Compliance Certificate - Roads*
 - (ii) *Compliance Certificate - Water Reticulation*
 - (iii) *Compliance Certificate - Sewerage Reticulation*
 - (iv) *Compliance Certificate - Sewerage Pump Station/vacuum pots*
 - (v) *Compliance Certificate - Drainage*

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. *Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following*

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inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures*
- b. Completion of earthworks*
- c. Excavation of subgrade*
- d. Pavement - sub-base*
- e. Pavement - pre kerb*
- f. Pavement - pre seal*
- g. Pathways, footways, bikeways - formwork/reinforcement*
- h. Final inspections - on maintenance*
- i. Off Maintenance inspection*

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation*
- b. Bedding*
- c. Laying/jointing*
- d. Manholes/pits*
- e. Backfilling*
- f. Permanent erosion and sedimentation control measures*
- g. Drainage channels*
- h. Final inspection - on maintenance*
- i. Off maintenance*

Sewer Pump Station

- a. Excavation*
- b. Formwork/reinforcement*
- c. Hydraulics*
- d. Mechanical/electrical*
- e. Commissioning - on maintenance*

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f. Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

- 3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".*
- 35. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.*

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;*
- (ii) the plans accurately reflect the Work as Executed.*

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

- 36. Prior to the issue of a Subdivision Certificate a maintenance bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.*

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

- 37. (i) PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.*
- (ii) To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.*

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

- 38. Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.*

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- a. *That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.*
 - b. *That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)*
 - c. *That the pavement layers have been compacted to RTA specifications.*
 - d. *That site fill areas have been compacted to the specified standard.*
 - e. *That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
 - f. *That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
39. *All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.*
40. *The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.*

ROADS/STREETS

41. (i) *The section of Coast Road from the southern boundary of the site to the T – junction construction at Road No. 1 shall be restored to an adequate running surface (including any necessary crossfall corrections) by means of the addition of asphaltic overlay surfacing no less than 25mm thick, such work to be completed to the satisfaction of Council.*
- (ii) *An appropriate shoulder 1.2m in width (to Austroad design standards) shall be provided on the eastern edge of the above road segment.*
- (iii) *Road reserve widening on the eastern side of the Coast Road corridor from Road No. 1 to the southern boundary of the site shall be dedicated free of cost to Council in accordance with Cardno MBK figure E32 “Approved Coast Road Details” dated 24 September 1999, consistent with the draft Stage 1 linen plan.*
- (iv) *Suitable traffic noise attenuation structure consisting of earthbunds and/or acoustic fencing shall be provided east of the landscape buffer and clear of the Coast Road reserve for the full length of the site. The landscape buffer as shown in Cardno MBK figure E32 shall be formed, stabilised and landscaped in accordance with plans to be submitted and approved by Council prior to the issue of the Subdivision Certificate.*

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42. *Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.*
43. *All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 10 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.*
44. *The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-*
- i. *Construction of the roads in the subdivision generally in accordance with Cardno MBK Figures E14, E22 and E23 and the table below, except where varied by these conditions.*
 - ii. *Road cross sections employing "roll-over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.*
 - iii. *A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.*
 - iv. *Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads.*

<i>Figure</i>	<i>Road Number</i>	<i>Min. Road Reserve</i>	<i>Min. Carriageway Width</i>	<i>Min. Footway Width</i>
<i>E14</i>	<i>1</i>	<i>20.0m</i>	<i>14.0m</i>	<i>3.0m (paved footway width 1.5m both sides)</i>
<i>E14</i>	<i>2 Ch0.0-Ch360</i>	<i>20.0m</i>	<i>9.0m</i>	<i>5.5m (singled paved footway width 1.2m)</i>
<i>E14</i>	<i>2 Ch360-Ch606</i>	<i>20.0m</i>	<i>11.0m</i>	<i>4.5m (paved footway width 1.2m both sides)</i>
<i>E14</i>	<i>3</i>	<i>20.0m</i>	<i>11.0m</i>	<i>4.5m (single paved footway width 1.2m)</i>
<i>E23</i>	<i>4*</i>	<i>13.5m</i>	<i>7.5m</i>	<i>3.0m</i>
<i>E23</i>	<i>5</i>	<i>13.5m</i>	<i>7.5m</i>	<i>3.0m</i>
<i>E22</i>	<i>6</i>	<i>13.5m</i>	<i>7.5m</i>	<i>3.0m</i>
<i>E22</i>	<i>7*</i>	<i>13.5m</i>	<i>7.5m</i>	<i>3.0m</i>
<i>E22</i>	<i>8</i>	<i>13.5m</i>	<i>7.5m</i>	<i>3.0m</i>

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E22	9*	13.5m	7.5m	3.0m
Coast Road south of Road 8		as required	as exists plus eastern road shoulders to Austroads Standards	Eastern side only: paved footway to standard specified in condition 48(i), plus landscaping, acoustic buffers (see Condition 14 of Stage 1 consent S96/135) and table drains.

- * *These roads shall be linked by roads with reserve width 6.0 metres and a carriageway width of 4.0 metres. The carriageway shall be constructed using coloured pavers or other appropriate treatment and shall incorporate traffic calming devices so as to generally deter other vehicular traffic. The remainder of the roadway width shall be landscaped and vegetated.*
45. *Construct a 9.0m kerb radius cul-de-sac at the southern end of road No. 2 including kerb and channel, pavement, asphaltic concrete or other approved surfacing and a 3.0m width footway. The applicant shall either:*
- i. *Dedicate a public road over the cul-de-sac or;*
 - ii. *Register a right of carriageway over the cul-de-sac.*
46. *The intersection of Road No. 1 and the Coast Road shall be constructed to a Type C "right turn" and Type B "left turn" standard including channelisation, deceleration lane, line marking and street lighting in accordance with Austroads Part 5 Intersections at Grade, such design to allow road dedication and correct kerb lines and road space for ultimate traffic loading, including future signalisation.*
47. *All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.*
48. *i. All cycleways, walkways and coastal walkways/cycleways shall be designed generally in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleways (Element 1.4 and PND17) and constructed in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.*
- ii. *Pursuant to Section 94 Plan No. 19 and Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 2 as shown on Map 5 contained*

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within Section 94 Plan No. 19 EXCEPT that the cycleway/walkway shall be constructed within Lot 500 along the eastern boundary of the site to the south eastern corner of proposed Lot 1, and then in a dedicated public road 10m wide corridor parallel to and abutting the southern boundary of proposed Lot 1 to the alignment of the Coast Road in lieu of the route shown on Map 5.

- iii. Alternatively, the developer may, in the case of residential frontage footpaths, pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.*
- iv. If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.*
- v. The construction of a minimum of 20 car parks within an area of 1000m² of dedicated public road in the south western corner of Lot 1 and the construction of an emergency four wheel drive access from the Coast Road through the 10m wide corridor to the beach in accordance with plans to be submitted and approved by Council. An additional beach pedestrian accessway shall be constructed adjacent to the emergency four wheel drive access referred to above.*

Access to the car park and for emergency vehicles from the Coast Road shall be by way of a junction to be constructed in conjunction with the car parking area to AUSTRROADS standards (including lighting) in accordance with plans to be submitted and approved by Council.

The works shall be completed prior to the release of the Stage 2 linen plan.

- 49. Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.*

DRAINAGE/FLOODING

- 50. All fill of new residential lots is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application.*
- 51. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.*

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52. *All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.*
53. *All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.*
54. *The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.*
55. *The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.*
56. *Prior to final acceptance of the Stormwater system and release of the maintenance bond a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.*
- All costs associated with the CCTV inspection and repairs shall be borne by the applicants.*
57. *All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.*
58. *Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.*
- Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.*
- This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.*
59. *For the purpose of this condition "trunk drainage" shall be defined as the drain along the coastal frontage of the subject land and the continuation of this drain, downstream to Controlled Outlet No. 7 as generally located on Cardno MBK Figure E24 Rev A.*

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The ultimate point of discharge for this development (except the west sloping portion of proposed lot 29) shall be Controlled Outlet No. 7. The west sloping portion of proposed lot 29 shall discharge to Controlled Outlet No. 3.

Trunk drainage shall be designed to convey Q_{100} stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council. In the section between proposed public reserve lot 81 and Controlled Outlet No. 7, the land to be dedicated shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to an all weather, two wheel drive standard.

The trunk drainage along the coastal boundary, and elsewhere, shall be designed to accommodate Q_{100} (no infiltration) flows with a minimum 300mm freeboard.

Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.

Major (Q_{100}) and minor (Q_5) drainage shall be constructed in the eastern extension of Road No. 2 (ie the eastern extension of the road between the end of construction proposed in this application and the coastal drain), this section of Road No. 2 shall also be dedicated to Council.

60. *Management Lots 1 & 2 (except the southern part of Management Lot 1 south of chainage 200m on the 50 year erosion "control" line) shall be shaped in accordance with Cardno MBK Figures E8 - E13. Where earthworks are proposed on Crown Land (Lot 500), the written consent of the owner (the Department of Land and Water Conservation) is to be submitted with the construction certificate application, and:*

- *Bulk earthworks over that part of the site the subject of this application shall be completed sufficient to ensure that road levels are fixed, the drainage system is established and the lot boundaries are at their final level*
- *Provision shall be made to ensure surface runoff does not discharge onto adjoining land*
- *Provision shall be made to accept up to Q_{100} natural or existing surface runoff from adjacent land that discharges onto the subject land*
- *Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls and any necessary ancillary or drainage works shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjacent land. Plans and specifications of the retaining walls and ancillary works and the written consent of the adjacent landowner shall be submitted with the construction certificate application.**

* *As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping of both the subject land and*

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adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any land forming activity that may adversely affect adjoining land.

61. *This condition refers to proposed lots 1, 19, 31, 29 and 30.*

Prior to release of any subdivision certificate:

- *Sufficient permanent infrastructure must be constructed in the subdivision that creates these lots so that they may be capable of being developed to their ultimate capacity by subsequent applicants without any requirements for provision or augmentation of external infrastructure. All proposed infrastructure that crosses the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.*
- *These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer than 40m is discharged to these inlets. Provision shall be made outside the lots for acceptance and transport of ultimate and interim Q100 flows from the lots.*
- *Where infrastructure required to serve a future development lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure (and necessary access roads to such infrastructure).*
- *Any public utilities currently located in these lots are to be either relocated to public land.*

62. *Permanent Stormwater Quality Treatment*

(a) Stormwater Quality Objectives

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3.

“Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

<i>Pollutant</i>

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<i>Nutrients</i>	<i>Maximum permissible load that may be discharged kg/ha/year</i>		
	<i>Average year (1719mm)</i>	<i>Wet Year (2185mm)</i>	<i>Dry Year (929mm)</i>
<i>Suspended solids (SS)</i>	300	400	120
<i>Total Phosphorus (TP)</i>	0.8	1.1	0.35
<i>Total Nitrogen (TN)</i>	4.5	6	1.5
<i>Litter</i>	<i>Retention 70% of annual litter load greater than 5mm</i>		
<i>Coarse sediment</i>	<i>Retention of 90% of annual load of sediment coarser than 0.125 mm</i>		
<i>Oil and grease (hydrocarbons)</i>	<i><10 mg/litre in flows up to 40% of Q1 peak."</i>		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(b) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).*
- ii. runoff entering infiltration trenches/basins shall be pretreated to remove sediment and gross pollutants.*
- iii. The infiltration rate for infiltration devices shall be determined as follows:*
 - Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994, Disposal Systems for Effluent from Domestic Premises.*
 - If the calculation yields a result <6m/day, this rate may be used for design.*

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- *If the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.*

(d) *Specific Requirements*

Permanent stormwater quality devices are to be designed in accordance with these conditions and “Tweed Urban Stormwater Quality Management Plan” Appendix E – Tweed Shire Council, Aus-spec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication “Managing Urban Stormwater - Treatment Techniques, November 1997”.

- *Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:*
 - *As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs*
 - *Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.*
 - *Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).*
 - *If the site is under strata or community title, the strata/community title plan is to ensure that the infiltration areas are contained within common land that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).*
- *Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels.*

Note: Swales are not preferred as a substitute for kerb and gutter

- *where on street parking is required, unless cars can be excluded from swale area*

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- *on roads serving small lots with numerous driveways*
- *where gradients are <1% or >5%)*
- *Oil/Grit Separators (ref 4.7), permanent pool 30m³ per untreated, impervious (this excludes the impervious upstream areas discharged into infiltration devices) hectare with 50-70% of this volume in first chamber (or equivalent devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area, ie. at the following locations: - East side of Roads 9, 7 and 4; east end of public car park; east end of Road 2.*
- *Infiltration basins (ref 5.6) shall be provided upstream of Controlled Outlet No 7 and controlled outlet No. 3, and sized to infiltrate all runoff from stormwater flows up to 40% of ultimate $Q_{1 \text{ year}}$. Infiltration basin sizing shall be determined on a catchment basis. For the purpose of this consent a "catchment" shall be the total area draining to each controlled outlet (No. 3 and No. 7). The infiltration basins shall be contained within reserves to be dedicated to Council. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Council for open space purposes. Infiltration basins are to consist of raw dune sand with a minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.*

SERVICES

Sewer

63. *The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.*
64.
 - i. *Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.*

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

- ii. *Any sewerage works required by the Stage 1 consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services **PRIOR** to the release of the Subdivision Certificate.*

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Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Water

65. *Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.*

The Construction Certificate application shall provide reticulation calculations which clearly demonstrate that the proposed 100mm diameter water main servicing proposed Lot 1 has sufficient capacity to ensure that adequate fire fighting flows are maintained at all times.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Telephone

66. *The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply. The documentation shall be submitted prior to the issue of a Subdivision Certificate.*

Electricity

67. i. *The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and*
- ii. *The reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council. The proposed location and style of lighting standards (clear of other public utilities, private accesses, and street trees) to be submitted with the Construction Certificate application. The Construction Certificate shall be submitted PRIOR to issue of a Subdivision Certificate.*

ENVIRONMENT PROTECTION

68. *Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.*
60. *All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.*
70. *All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.*

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71. *The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.*
72. *Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.*

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.*
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.*
 - iii) Densely plant with sub-tropical (rainforest) native and mature species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.*
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.*
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.*
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.*
73. *All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.*
74. *The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.*
75. *Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.*
76. *All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:*
- A. Short Term Period - 4 weeks.*

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L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

77. *The following restrictions apply to dog and cat ownership and control on all residential lots:-*

A. i. *Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.*

ii. *No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.*

iii. *No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.*

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

B. *The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.*

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

78. *All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording to the satisfaction of the Director of Development Services.*

79. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.*

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80. i. *Submission and approval of a separate development application for those works to be undertaken in accordance with the Dune Management Plan and Lot 500 Management Plan required by consent S96/135 issued by the Land and Environment Court on 16 December, 1998.*
- ii. *The Dune Management Plan and Lot 500 Management Plan shall be implemented in accordance with any development consent obtained pursuant to Condition 80(i) to the satisfaction of Council.*

81. *The Water Quality Monitoring and Management Program prepared by Cardno MBK dated 1 February 2000 is to be implemented and be amended to include an additional 3 groundwater monitoring points.*

In addition the water quality objectives table is to be amended to include an objective for groundwater level alterations. These details are to be submitted to the satisfaction of Council prior to the commencement of works. Any alteration to this will need to be to the satisfaction of Council.

82. *Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate.*

Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment control shall remain in place until final approval is given and the maintenance bond has been released.

83. *The Acid Sulfate Soils Management Plan prepared by Cardno MBK dated 1 February 2000 is to be implemented for the duration of the works.*

Page 8 of the "Reporting" section is to be amended to include "Council will be informed within 7 days of any major complaint results, particularly in relation to exceedences of the nominated range for each water quality parameter".

The details are to be submitted to the satisfaction of the Director Environment and Community Services prior to works commencing.

84. *In accordance with Condition 34 of consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any Management lot, all existing Bitou Bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.*

85. *PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.*

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86. *In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letter dated 24 May, 2000, the following requirements shall be complied with:-*
- i. *Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.*
 - ii. *A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.*
 - iii. *All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, it shall be replaced by a tree of similar size, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.*
 - iv. *The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.*
 - v. *In respect of the north-western area, as identified in the Gunninah report, clearing is to be deferred for a period of four years from 1 June 1999, or an alternative biological timeframe to be agreed between the applicant, NPWS and Tweed Shire Council.*
 - vi. *In respect of the commercial area, clearing may commence within four years, from 1 June 1999, in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.*
87. *Compliance with the conditions imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-*
- a. *No residential or associated buildings being erected on land zoned 7(f);*
 - b. *Landscaping to the satisfaction of the Council being established on the land zoned 7(f) within each allotment to protect the scenic amenity of the land;*
 - c. *Pedestrian and bicycle access only from the eastern boundary of the allotments to the public walkway and cycleway may be made provided such access is not inconsistent with a Management Plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land and Water Conservation; and*

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- d. *No beach access for vehicles or pedestrians from either the carpark or from the public walkway and cycleway unless such access is consistent with a Management Plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land and Water Conservation.*

be rescinded."

2. Notice of Rescission - Cr James, Cr Luff and Cr Carroll

Proposed 86 Lot Subdivision at Lot 3 DP 865049 and Lot 1 DP 811425 Coast Road, South Kingscliff - Casuarina Beach Stage 3

DA1180/385 Pt3, Notice of Motion

That Council resolution at Minute No 1650 in relation to Item 2 of the Meeting held 31 May 2000 being:-

".....that:-

- A. *That Section 94 Plan No. 19 and Development Control Plan No. 11 be amended to include Lot 1 DP 811425 (Richtech Land) and the population yields be adjusted to reflect the inclusion of this lot and Development Control Plan No. 11 be further amended to reflect Condition 11.*
- B. *Council approves the Stage 3 development application K99/1733 submitted by Kings Beach No. 2) Pty Ltd for the subdivision of Lot 3 DP 865049 and Lot 1 DP 811425 Coast Road, South Kingscliff into 86 lots be approved subject to the following conditions:-*

PRE-REQUISITES - conditions that must be complied with prior to the release of a construction certificate

- 1. Prior to the issue of a Construction Certificate a Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.*
- 2. A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species which ensure no potential for seed transfer to Lot 500 which would conflict with the propagation and maintenance of species specified in the Dune Management Plan and Lot 500 Management Plan.*
- 3. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to*

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comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.

4. ***Prior** to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-*
 - a. *Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or*
 - b. *AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.*
5. *The Stage 1 linen plan required by the Stage 1 development consent S96/135 shall be registered **PRIOR** to issuing any Construction Certificate pursuant to this consent. The Stage 3 application is to be consistent with the lot boundaries of open space lots 8, 9, 10, 11, 12, 13 and 14.*

GENERAL

6. *Prior to the issue of a Subdivision Certificate pursuant to this consent **ALL** works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.*
7. *Submission of separate development applications for further development of the residue lots (lots 82,84,85 and 91).*
8. *The Richtech Land (Lot 1 DP 811425) shall be included in the population yields. **Note:** The Section 94 Plan No. 19 and Development Control Plan No. 11 will need to be amended to including the Richtech Land (Lot 1 DP 811425) and to reflect the amended figures.*
9. *Any future development application for further subdivision within Stage 3 will need to provide a lot for the purpose of a surf lifesaving club. This lot will be dedicated to Council, at no cost, and credit given for Section 94 contributions.*
10. *The Architectural Design Regulations shall not be included in any legal document to be administered by Council. **NOTE:** Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;*
 - i. *The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.*

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

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Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.

- ii. *The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.*
- iii. *The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.*
- iv. *For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.*
- v. *All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.*

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

- 11. *The development shall be completed in general accordance with Figures E204 Rev A, E205 Rev A, 206 Rev A prepared by Cardno MBK and dated September/November 1999, except where varied by these conditions.*
- 12. *Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.*
- 13. *No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.*
- 14. *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 Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*
- 15. *The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.*
- 16. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1733 have been complied with.*
- 17. *The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:*
 - i. *Easements for sewer, water supply and stormwater drainage over ALL services on private property.*
 - ii. *A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.*

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Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

18. *Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.*
19. *In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.*
20. *Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.*
21. *Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of Council. The sign is to remain in place until the Subdivision Certificate is issued.*
22. *It shall be the responsibility of the applicant to ensure that all times the 'Optus Cable' which traverses the subject site is protected from construction damage. The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.*
23. *All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.*
24. *Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council 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.*

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25. *In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.*

Open Space

Casual Open Space

26. *Management Lots 13 and 14 in the Stage 1 Consent S96/135 in so far as they relate to this Stage 3 consent are to be embellished in accordance with conditions 39(f) and 39(g) of Consent S96/135 for Stage 1 prior to the release of the linen plan for Stage 3 including:-*

- (i) removal of bitou bush and other noxious weeds*
- (ii) rehabilitation of the area consistent with the Dune Management Plan referred to in Condition 35 of Consent S96/135 for Stage 1 and good practice in this regard*
- (iii) provision of adequate and appropriate security lighting for users of Lots 12, 13 and 14*
- (iv) provision of suitable related day visitor facilities, generally consistent with drawings contained in Appendix E to the Statement of Environmental Effects for Stage 1 (S96/135) as amended by the Landscape Master Plan submitted with the application.*
- (v) The land between the constructed cycleway/walkway and the Lot 500 boundary and the western boundary of proposed Lots 13 and 14 in Stage 1 shall be embellished to enable the area to be used for passive open space including picnicking to the satisfaction of Council. Existing tree cover shall be maintained to the maximum extent possible.*
- (vi) The cycleway/walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.*
- (vii) Land on the eastern boundary of Lot 1 DP 811425 shall be dedicated and embellished in accordance with Conditions 26(i) to (vi), including the construction of a cycleway/walkway.*

The dedication, embellishment and cycleway/walkway shall be generally consistent with the adjoining lots 13 and 14 in the Stage 1 consent S96/135.

CONTRIBUTIONS

27. (i) *Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.*

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Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(ii) GST

If GST is applicable the following shall apply.

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 *Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.*

1.3 *Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.*

1.4 *Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.*

1.5 *In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:*

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GST payable = The GST inclusive market price of the asset x ¹/₁₁.

1.6 *The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.*

a. *Tweed Road Contribution Plan:*

82 lots @ \$2394 per lot \$196,308.00

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not commenced by the Stage 2 Consent No. K99/1360, Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12 (a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

(iii) Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$$\$Con_{TRCP - Heavy} = Prod. \times Dist \times \$Unit \times (1 + Admin.)$$

where:

$\$Con_{TRCP - Heavy}$ *heavy haulage contribution*

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads

(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

b. *Street Trees: 82 lots @ \$42.90 per lot \$3,517.80*

S94 Plan No. 6

c. *Shirewide Library Facilities:*

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- | | | |
|----|--|-------------|
| | 82 lots @ \$300 per lot | \$24,600.00 |
| | S94 Plan No. 11 | |
| d. | <i>Eviron Cemetery/Crematorium Facilities:</i> | |
| | 82 lots @ \$126 per lot | \$10,332.00 |
| | S94 Plan No. 13 | |
| e. | <i>Bus Shelters: 82 lots @ \$23 per lot</i> | \$1,886.00 |
| | S94 Plan No. 12 | |
| f. | <i>Emergency Facilities (Surf Lifesaving)</i> | |
| | 82 lots @ \$80 per lot | \$6,560.00 |
| | S94 Plan No. 16 | |
| g. | <i>Extensions to Council Administration Offices
& Technical Support Facilities</i> | |
| | 82 lots @ \$344.81 per lot | \$28,274.42 |
| | S94 Plan No. 18 | |
| h. | <i>Cycleways: 82 lot @ \$160 per lot</i> | \$13,120.00 |
| | S94 Plan No. 22 | |
| | <i>Contribution to be credited against cost of works in condition 48(i).</i> | |
| i. | <i>Structured Open Space</i> | |
| | 82 lots @ \$640 per lot | \$52,480.00 |
| | S94 Plan No. 19 | |
| j. | <i>Community Facilities: 82 lots @ \$497 per lot</i> | \$40,754.00 |
| | S94 Plan No. 19 | |
28. *In addition to the normal contribution required by S94 Plan No 16 – Emergency Facilities (Surf Lifesaving) an amount of \$55 per lot shall be paid towards the cost of providing Surf Lifesaving facilities within the area between Kingscliff and Cabarita (ie. 82 lots @ \$55 per lot = \$4510).*
29. *A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.*

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Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

GST

If GST is applicable the following shall apply.

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.

1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

GST payable = The GST inclusive market price of the asset $\times \frac{1}{11}$.

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets

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transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Water: 82 lots @ \$3420 per lot \$280,440.00

Local Section 64 Water Supply Levy

82 lots @ \$205 per lot \$16,810.00

Sewer: 82 lots @ \$2820 per lot \$231,240.00

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

FURTHER APPROVALS

30. *Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.*

The following information must accompany applications for a construction certificate for subdivision work.

(i) Subdivision Work

In the case of an application for a construction certificate for subdivision work required by this consent:

- a) *copies of compliance certificates relied upon*
- b) *four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:*
 - *earthworks*
 - *roadworks*
 - *road pavement*
 - *road furnishings*
 - *stormwater drainage*
 - *water supply works*
 - *sewerage works*
 - *landscaping works*

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- *sedimentation and erosion management plans*
- *location of all service conduits (water, sewer, NorthPower and Telstra)*
- *the approved Traffic Control Plan*
- *the relevant maintenance manuals (eg. G.P.T's, water pump station)*

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

31. *Subdivision work in accordance with a development consent must not be commenced until:-*

(a) *a construction certificate for the subdivision work has been issued by:*

- (i) *the consent authority, or*
- (ii) *an accredited certifier, and*

(b) *the person having the benefit of the development consent:*

- (i) *has appointed a principal certifying authority, and*
- (ii) *has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and*

(c) *the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.*

32. *Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount of \$10,000.*

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of Council.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

33. *Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.*

(i) *The following information must accompany an application:*

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- *original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$110 per lot - 86 lots @ \$110/lot = \$9460*
 - *relevant development consent or complying development certificate*
 - *detailed subdivision engineering plans endorsed with a construction certificate (where applicable)*
 - *for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate*
 - *evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)*
 - *a certificate of compliance from the relevant water supply authority (where applicable)*
 - *if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council*
 - *for subdivision involving subdivision works evidence that:*
 - *the work has been completed, or*
 - *agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or*
 - *security given to the consent authority with respect to the completion of the work*
 - *Work as Executed Plans for ALL works*
- (ii) *Documentary evidence that all matters contained in Section 109J of the Act have been complied with.*
- (iii) *Written evidence from Council that the proposed road/street names have been approved.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

34. *Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-*

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- (i) *Compliance Certificate - Roads*
- (ii) *Compliance Certificate - Water Reticulation*
- (iii) *Compliance Certificate - Sewerage Reticulation*
- (iv) *Compliance Certificate - Sewerage Pump Station/vacuum pots*
- (v) *Compliance Certificate - Drainage*

- Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.*
- 2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-*

Roadworks

- a. Pre-construction commencement erosion and sedimentation control measures*
- b. Completion of earthworks*
- c. Excavation of subgrade*
- d. Pavement - sub-base*
- e. Pavement - pre kerb*
- f. Pavement - pre seal*
- g. Pathways, footways, bikeways - formwork/reinforcement*
- h. Final inspections - on maintenance*
- i. Off Maintenance inspection*

Water Reticulation, Sewer Reticulation, Drainage

- a. Excavation*
- b. Bedding*
- c. Laying/jointing*
- d. Manholes/pits*

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- e. *Backfilling*
- f. *Permanent erosion and sedimentation control measures*
- g. *Drainage channels*
- h. *Final inspection - on maintenance*
- i. *Off maintenance*

Sewer Pump Station

- a. *Excavation*
- b. *Formwork/reinforcement*
- c. *Hydraulics*
- d. *Mechanical/electrical*
- e. *Commissioning - on maintenance*
- f. *Off maintenance*

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

- 3. *The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".*
- 35. *Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.*

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

- (i) *all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;*
- (ii) *the plans accurately reflect the Work as Executed.*

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

- 36. *Prior to the issue of a Subdivision Certificate a maintenance bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.*

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

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37. (i) *PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.*
- (ii) *To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.*

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

38. *Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.*
- a. *That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.*
- b. *That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)*
- c. *That the pavement layers have been compacted to RTA specifications.*
- d. *That site fill areas have been compacted to the specified standard.*
- e. *That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
- f. *That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.*

39. *All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.*

40. *The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.*

ROADS/STREETS

41. *Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.*

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42. All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 11 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.
43. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-
- Construction of the roads in the subdivision generally in accordance with Figures E204 Rev A, E205 Rev A, E206 Rev A and E212 Rev B except where varied by these conditions and the table below:-
 - Road cross sections employing "roll-over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.
 - A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.
 - Road No. 4 and the proposed temporary turning bay may be located within the adjacent Crown Road Reserve subject to condition 54.

Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
E212 Rev B	1	20.0m	9.0m	5.5m
E212 Rev B	2	14.0m	7.5m	3.25m
E212 Rev B	3	20.0m	7.5m	6.25m
E212 Rev B	4	14.0m	7.5m	3.25m
E212 Rev B	5	16.0m	7.5m	4.25m

44. (i) A roundabout at the intersection of the 'Connection Road' and the 'Existing Coast Road' shall be designed and constructed in conjunction with Stage 6 in accordance with Austroads Part 6, 'Roundabouts' to cater for 13m long buses (28m outside diameter). Detailed design plans shall be submitted with the construction certificate application.
- (ii) A temporary "T" intersection shall be provided for this Stage.
45. All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
46. The intersection of Road No. 3 and the existing Coast Road shall be constructed in accordance with Austroads Part 5, Intersections at Grade. If any future re-

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alignment of the Coast Road causes the closure of Road No. 3 then the applicant shall be responsible for all necessary works associated with its closure of this intersection. The necessary closure works shall be to the satisfaction of Council.

47.
 - i. *All cycleways, walkways and coastal walkways/cycleways shall be designed generally in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleways (Element 1.4 and PND17), and constructed in accordance with engineering plans and specifications which accompany the construction certificate application which shall be approved by Council.*
 - ii. *Pursuant to Section 94 Plan No. 19 and Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 3 as shown on Map 5 contained within Section 94 Plan No. 19.*
 - iii. *Alternatively, the developer may, in the case of residential frontage footpaths, pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.*
 - iv. *If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.*
48. *Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.*

DRAINAGE/FLOODING

49. *All fill of new residential lots is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application.*
50. *On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.*
51. *All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.*

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52. *All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of Council.*
53. *For the purpose of this condition “trunk drainage” shall be defined as the drain along the coastal frontage of the subject land to the south east corner of proposed lot 82 and the east/west continuation of this drain, downstream to Controlled Outlet No. 11 as generally located on Cardno MBK Figure E216 Rev B.*

The ultimate point of discharge for this development shall be Controlled Outlet No. 11.

Trunk drainage shall be designed to convey Q₁₀₀ stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council or easement created. In the section between proposed lot 70 and Controlled Outlet No. 11, the land to be dedicated (or easement) shall include the drain and provision for maintenance vehicle access, the maintenance vehicle access shall be constructed to an all weather, two wheel drive standard.

The trunk drainage along the coastal boundary, and elsewhere, shall be designed to accommodate Q₁₀₀ (no infiltration) flows with a minimum 300mm freeboard. Separate approval is required for any drainage along the coastal boundary that requires filling or any other ancillary works on adjacent land.

Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.

54. *The subject land shall be shaped in general accordance with Cardno MBK Figure E208 Rev B “Finished Surface Plan” as limited by Figure E229 REV A “Bulk Earthworks” except the levels adjacent to the Crown Road at the northern end of the subdivision shall not vary from the existing levels by more than 500mm (the Crown road on the northern boundary may be converted to public road, formed and drained to achieve this) and:*

*Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls (and any necessary ancillary or drainage works) shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjoining land. Plans and specifications of the retaining walls and ancillary works and the written approval of the adjacent landowner shall be submitted with the construction certificate application. **

Provision shall be made to ensure surface runoff does not discharge onto adjoining land

Provision shall be made to accept up to Q₁₀₀ natural or existing surface runoff from adjacent land that discharges onto the subject land .

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* As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any landforming activity that may adversely affect adjoining land.

55. *Permanent Stormwater Quality Treatment*

(a) *Stormwater Quality Objectives*

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3”.

Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

<i>Pollutant</i>			
<i>Nutrients</i>	<i>Maximum permissible load that may be discharged kg/ha/year</i>		
	<i>Average year (1719mm)</i>	<i>Wet Year (2185mm)</i>	<i>Dry Year (929mm)</i>
<i>Suspended solids (SS)</i>	300	400	120
<i>Total Phosphorus (TP)</i>	0.8	1.1	0.35
<i>Total Nitrogen (TN)</i>	4.5	6	1.5
<i>Litter</i>	<i>Retention 70% of annual litter load greater than 5mm</i>		
<i>Coarse sediment</i>	<i>Retention of 90% of annual load of sediment coarser than 0.125 mm</i>		
<i>Oil and grease (hydrocarbons)</i>	<i><10 mg/litre in flows up to 40% of Q1 peak.</i>		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(b) *Water Sensitive Design*

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to

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discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) *Infiltration*

- i. *infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).*
- ii. *Runoff entering infiltration trenches/basins shall be pretreated to remove sediment and gross pollutants.*
- iii. *The infiltration rate for infiltration devices shall be determined as follows:*
 - *Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994, Disposal Systems for Effluent from Domestic Premises,*
 - *If the above calculation yields a result <6m/day, this rate may be used for design,*
 - *If the result is >6m/day, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day.*

(d) *Specific Requirements*

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E – Tweed Shire Council Aus-pec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

*Unless stated otherwise, **references in brackets** refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".*

- *Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately titled burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:*

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- *As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs*
- *Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow, or approved equivalent.*
- *Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).*
- *If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).*
- *Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels.*

Note: Swales are not preferred as a substitute for kerb and gutter

- *where on street parking is required, unless cars can be excluded from swale area*
- *on roads serving small lots with numerous driveways*
- *where gradients are <1% or >5%)*
- *Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or equivalent devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area, ie. at the following locations: - East side of Roads 2 and 4 between proposed lots 69/68, 59/58 and 41/40.*
- *Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 11, to infiltrate runoff from stormwater flows of up to 40% of ultimate $Q_{1\text{ year}}$. Infiltration basin sizing shall be determined on a catchment basis. For the purpose of this consent a "catchment" shall be the total area draining controlled outlet No. 11. The infiltration basins shall be contained within reserves to be dedicated to Council. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to the Director of Environment and Community Services. Infiltration basins are to consist of raw dune sand with a minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.*

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56. *The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.*
57. *The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.*
58. *Prior to final acceptance of the Stormwater system and release of the maintenance bond a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.*

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

59. *All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.*
60. *Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.*

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

SERVICES

Sewer

61. *The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.*
62. i. *Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.*

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Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

- ii. *Any sewerage works required by the Stage 1 consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services **PRIOR** to the release of the linen plan.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Water

63. *Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Telephone

64. *The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply prior to the issue of a Subdivision Certificate.*

Electricity

65.
 - i. *The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and*
 - ii. *The reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council, the proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) to be submitted with the Construction Certificate Application prior to the issue of a Subdivision Certificate.*

ENVIRONMENT PROTECTION

66. *Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.*

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67. *All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.*
68. *All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.*
69. *The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.*
70. *Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.*

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) *Contours and terraces where the height exceeds 1m.*
 - ii) *Cover with topsoil and large rocks/dry stone walls in terraces as necessary.*
 - iii) *Densely plant with sub-tropical (rainforest) native and native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.*
 - iv) *Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.*
 - v) *The landscaping shall be completed to the satisfaction of Council PRIOR to the issue of a Subdivision Certificate.*
 - vi) *A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.*
71. *All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.*
 72. *The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.*
 73. *Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.*

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74. *All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:*

A. *Short Term Period - 4 weeks.*

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. *Long term period - the duration.*

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

75. *The following restrictions apply to dog and cat ownership and control on all residential lots:-*

A. i. *Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.*

ii. *No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.*

iii. *No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.*

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

B. *The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.*

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

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76. *All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording to the satisfaction of the Director of Development Services.*
77. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.*
78. i. *Submission and approval of a separate development application for those works to be undertaken in accordance with the Dune Management Plan and Lot 500 Management Plan required by Consent S96/135 issued by the Land and Environment Court on 16 December, 1998*
- ii. *The Dune Management Plan and Lot 500 Management Plan shall be implemented in accordance with any development consent obtained pursuant to Condition 78(i) to the satisfaction of Council.*
79. *The Water Quality Monitoring and Management Program prepared by Cardno MBK dated 1 February 2000 is to be implemented and be amended to include an additional 3 groundwater monitoring points.*

In addition the water quality objectives table is to be amended to include an objective for groundwater level alterations. These details are to be submitted to the satisfaction of Council prior to the commencement of works. Any alteration to this will need to be to the satisfaction of Council.

80. *The Acid Sulfate Soils Management Plan prepared by Cardno MBK dated 1 February 2000 is to be implemented for the duration of the works.*

Page 8 of the "Reporting" section is to be amended to include "Council will be informed within 7 days of any major complaint results, particularly in relation to exceedences of the nominated range for each water quality parameter".

The details are to be submitted to the satisfaction of Council prior to works commencing.

81. *Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate.*

Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

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82. *In accordance with Condition 34 of consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any Management lot, all existing Bitou Bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.*
83. *PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.*
84. *In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letter dated 24 May, 2000, the following requirements shall be complied with:-*
- i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.*
 - ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.*
 - iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked ad retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, it shall be replaced by a tree of similar size, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.*
 - iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.*
 - v. In respect of the north-western area, as identified in the Gunninah report, clearing is to be deferred for a period of four years from 1 June 1999, or an alternative biological timeframe to be agreed between the applicant, NPWS and Tweed Shire Council.*
 - vi. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.*
85. *Compliance with the conditions imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-*
- a. No residential or associated buildings being erected on land zoned 7(f);*

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- b. *Landscaping to the satisfaction of the Council being established on the land zoned 7(f) within each allotment to protect the scenic amenity of the land;*
- c. *Pedestrian and bicycle access only from the eastern boundary of the allotments to the public walkway and cycleway may be made provided such access is not inconsistent with a Management Plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land and Water Conservation; and*
- d. *No beach access for vehicles or pedestrians from either the carpark or from the public walkway and cycleway unless such access is consistent with a Management Plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land and Water Conservation.*

be rescinded."

3. Notice of Rescission - Cr James, Cr Luff and Cr Carroll

Proposed 101 Lot Subdivision at Lot 3 DP 865049 Coast Road, South Kingscliff - Casuarina Beach Stage 4

DA1180/668 Pt3, Notice of Motion

That Council resolution at Minute No 1654 in relation to Item 3 of the Meeting held 31 May 2000 being:-

".....that

- A. *That Development Control Plan No. 11 - Kings Beach be amended to reflect condition 8.*
- B. *Council approves the Stage 4 development application K99/1732 submitted by Kings Beach Project (No. 2) Pty Ltd for the subdivision of Lot 3 DP 865049 Coast Road, South Kingscliff into 101 lots subject to the following conditions:-*

PRE-REQUISITES - conditions that must be complied with prior to the release of a construction certificate

1. *Prior to the issue of a Construction Certificate a Fire Management Plan is to be submitted and approved by Council. The plan shall address potential environmental impacts, including impacts on threatened species.*
2. *A detailed plan of landscaping is to be submitted and approved by Council prior to the issue of a Construction Certificate. All landscaping work is to be completed in accordance with the approved plans. The detailed landscaping plan shall include a list of species which ensure no potential for seed transfer to Lot 500 which would conflict with the propagation and maintenance of species specified in the Dune Management Plan and Lot 500 Management Plan.*

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3. *A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, prior to issue of the Construction Certificate. The applicant shall submit evidence to Council that the traffic control plan has been prepared by an authorised person. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.*
4. *Prior to the commencement of work the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-*
 - a. *Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or*
 - b. *AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.*
5. *The Stage 1 linen plan required by the Stage 1 development consent S96/135 shall be registered PRIOR to issuing any Construction Certificate pursuant to this condition. The Stage 4 application is to be consistent with the lot boundaries of open space lots 8, 9, 10, 11, 12, 13 & 14.*

GENERAL

6. *Prior to the issue of a Subdivision Certificate pursuant to this consent ALL works bonded pursuant to Consent S96/135 for Stage 1 shall be completed to the satisfaction of Council.*
7. *Submission of separate development applications for further development of the residue lots (lots 54, 55, 56 and 99).*
8. *The Architectural Design Regulations shall not be included in any legal document to be administered by Council. NOTE: Some aspects of the ADR such as setbacks, fencing etc will need to be incorporated into a DCP for control by Council. Accordingly, DCP 11 – Kings Beach will need to be amended to incorporate the following conditions;*
 - (i) *The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.*

The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

Special design elements such as verandahs, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.

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- (ii) *The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.*
- (iii) *The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.*
- (iv) *For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.*
- (v) *All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.*

The above conditions (i)-(v) can be varied by Council subject to the merits of each development application.

- 9. *The development shall be completed in general accordance with Figures E104 Rev A, E105 Rev A and E106 Rev A prepared by Cardno MBK and dated September 1999, except where varied by these conditions.*
- 10. *Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.*
- 11. *No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.*
- 12. *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 Council prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.*
- 13. *The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.*
- 14. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No K99/1732 have been complied with.*
- 15. *The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including the following:*
 - i. *Easements for sewer, water supply and stormwater drainage over ALL services on private property.*
 - ii. *A restriction as to user requiring that all roofwater from dwellings shall be discharged to an approved infiltration pit located on the subject property. The infiltration pit shall be approved by the Principal Certifying Authority.*

Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of

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the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

16. *Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.*
17. *In pursuance of the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with AS1428-1993 Parts 1 to 4 - Design for Access and Mobility.*
18. *Prior to the issue of a Subdivision Certificate, Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.*
19. *Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of Council. The sign is to remain in place until the Subdivision Certificate is issued.*
20. *It shall be the responsibility of the applicant to ensure that at all times the 'Optus Cable' which traverses the subject site is protected from construction damage.*

The applicant must identify the location of the cable prior to the commencement of construction. The cover over the cable shall not be permanently increased or decreased without the consent of the owner of the cable.
21. *All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.*
22. *Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Director, Development Services 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.*

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23. *In accordance with Section 109F(i) of the Environmental Planning & Assessment Act, 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.*

Open Space

Casual Open Space

24. *Management Lot 13 in the Stage 1 consent S96/135 (proposed lot 101) in so far as they relate to this Stage 4 consent are to be suitably embellished in accordance with Condition 39(f) & (g) of Consent S96/135 for Stage 1 prior to the release of the linen plan for Stage 4 including:-*
- (i) removal of bitou bush and other noxious weeds*
 - (ii) rehabilitation of the area consistent with the Dune Management Plan referred to in Condition 35 of Consent S96/135 for Stage 1 and good practice in this regard;*
 - (iii) provision of adequate and appropriate security lighting for users of Lots 12 and 13;*
 - (iv) provision of suitable related day visitor facilities, generally consistent with drawings contained in Appendix E to the Statement of Environmental Effects for Stage 1 (S96/135).*
 - (v) The land between the constructed cycleway/walkway and the Lot 500 boundary and the western boundary of proposed Lot 13 in Stage 1 shall be embellished to enable the area to be used for passive open space including picnicking to the satisfaction of Council. Existing tree cover shall be maintained to the maximum extent possible.*
 - (vi) The cycleway/walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.*
25. *Dedication, at no cost, to Council of the local parks. These parks are to be suitably embellished including but not limited to filling, topsoiling, grading, seeding, planting, installation of seating and play ground equipment and shade cover. Details to be submitted with the Construction Certificate application to the satisfaction of Council. The embellishment works shall be completed prior to release of the linen plan.*

Active Open Space

26. *Prior to the release of the Stage 4 linen plan, the applicant shall embellish the active open space Stage 1 Management Lot No 9 to the satisfaction of Council in accordance with detailed plans to be submitted and approved with the Construction*

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Certificate Application. Such embellishment shall be in accordance with S94 Plan No. 19, including:

- (i) being capable of use as playing fields (ie level of acceptable geometric shape, and drained).*
- (ii) Top dressing, seeded and landscaped, including irrigation facilities.*
- (iii) Council will also require provision of an amenities block for the structured open space area, with appropriate vehicular parking and pedestrian access.*

CONTRIBUTIONS

27. (i) *Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.*

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

- (ii) *GST*

If GST is applicable the following shall apply.

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

- 1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.*

- 1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning*

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and Assessment Act, 1979 (NSW) (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.

1.5 In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:

$GST \text{ payable} = \text{The GST inclusive market price of the asset} \times \frac{1}{11}.$

1.6 The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

a. Tweed Road Contribution Plan:

97 lots @ \$2394 per lot \$232,218.00

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)

If any available credits are not consumed by the Stage 2 Consent No. K99/1360 or Stage 3 Consent No. K99/1733, Council will apply credits towards this contribution in relation to the amount that is determined as credit pursuant to Condition 12(a)(i) of the Stage 1 Consent S96/135 and Section 94 Plan No. 4.

(iii) Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

$\$Con_{TRCP - Heavy} = Prod. \times Dist \times \$Unit \times (1 + Admin.)$

where:

$\$Con_{TRCP - Heavy}$ heavy haulage contribution

and:

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Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads

(trip one way)

\$Unit the unit cost attributed to maintaining a road as set out in Section 6.4 (currently 2.5c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.5

- | | | |
|----|---|--------------------|
| b. | <i>Street Trees: 97 lots @ \$42.90 per lot</i> | <i>\$4,161.30</i> |
| | <i>S94 Plan No. 6</i> | |
| c. | <i>Shirewide Library Facilities:</i> | |
| | <i>97 lots @ \$300 per lot</i> | <i>\$29,100.00</i> |
| | <i>S94 Plan No. 11</i> | |
| d. | <i>Eviron Cemetery/Crematorium Facilities:</i> | |
| | <i>97 lots @ \$126 per lot</i> | <i>\$12,222.00</i> |
| | <i>S94 Plan No. 13</i> | |
| e. | <i>Bus Shelters: 97 lots @ \$23 per lot</i> | <i>\$2,231.00</i> |
| | <i>S94 Plan No. 12</i> | |
| f. | <i>Emergency Facilities (Surf Lifesaving)</i> | |
| | <i>97 lots @ \$80 per lot</i> | <i>\$7,760.00</i> |
| | <i>S94 Plan No. 16</i> | |
| g. | <i>Extensions to Council Administration Offices</i> | |
| | <i>& Technical Support Facilities</i> | |
| | <i>97 lots @ \$344.81 per lot</i> | <i>\$33,446.57</i> |
| | <i>S94 Plan No. 18</i> | |
| h. | <i>Cycleways 97 lots @ \$160 per lot</i> | <i>\$15,520.00</i> |
| | <i>S94 Plan No. 22</i> | |
| | <i>Contribution to be credited against cost of works in condition 48 (i).</i> | |
| i. | <i>Structured Open Space 97 lots @ \$640 per lot</i> | <i>\$62,080.00</i> |
| | <i>S94 Plan No. 19</i> | |

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The works required by Condition 26 shall be credited against this contribution for an approved amount based on estimates.

- j. *Community Facilities: 97 lots @ \$497 per lot* *\$48,209.00*
S94 Plan No. 19

28. *In addition to the normal contribution required by S94 Plan No 16 - Emergency Facilities (Surf Lifesaving) an amount of \$55 per lot shall be paid towards the cost of providing Surf Lifesaving facilities within the area between Kingscliff and Cabarita (ie. 97 lots @ \$55 per lot = \$5,335).*
29. *A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.*

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

GST

If GST is applicable the following shall apply.

1.1 In this Clause 1:

"GST means any tax, impost or duty, including any goods and services, consumption, value added or similar tax applying on goods, services or other things introduced by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and associated legislation (as amended), or under legislation passed by a State or Territory Parliament which is charged or levied on goods, services or other things.

1.2 Any monetary contributions and levies payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), and all other moneys payable by and on behalf of the applicant are exclusive of GST.

1.3 Any non-monetary contribution or levy payable or imposed as a condition of this contributions plan pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (NSW) (as amended), including, but not limited to, the dedication or transfer of land to the Council or the transfer of some other asset to the Council, whether in tangible or intangible form, and all other non-

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monetary contributions payable by and on behalf of the applicant are also exclusive of GST.

1.4 *Liability for GST (payable in respect of any taxable supply under this contributions plan whether monetary or non-monetary) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other moneys are payable under this contributions plan and development consent.*

1.5 *In respect of any non-monetary contribution or levy referred to in clause 1.3 above, the GST payable shall be calculated as follows:*

GST payable = The GST inclusive market price of the asset $\times \frac{1}{11}$.

1.6 *The Council will issue to the applicant, within twenty one (21) days of a request from the applicant, a tax invoice for the monies paid or the assets transferred by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.*

Water: 97 lots @ \$3420 per lot *\$331,740.00*

Local Section 64 Water Supply levy

97 lots @ \$205 per lot *\$19,885.00*

Sewer: 97 lots @ \$2820 per lot *\$273,540.00*

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

FURTHER APPROVALS

30. *Prior to commencement of work pursuant to this consent a Construction Certificate shall be obtained for the works proposed and required by this consent.*

The following information must accompany applications for a construction certificate for subdivision work.

(i) *Subdivision Work*

In the case of an application for a construction certificate for subdivision work required by this consent:

a) *copies of compliance certificates relied upon*

b) *four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:*

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- *earthworks*
- *roadworks*
- *road pavement*
- *road furnishings*
- *stormwater drainage*
- *water supply works*
- *sewerage works*
- *landscaping works*
- *sedimentation and erosion management plans*
- *location of all service conduits (water, sewer, NorthPower and Telstra)*
- *the approved Traffic Control Plan*
- *the relevant maintenance manuals (eg. G.P.T's, water pump station)*

Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

31. *Subdivision work in accordance with a development consent must not be commenced until:-*
- (a) *a construction certificate for the subdivision work has been issued by:*
 - (i) *the consent authority, or*
 - (ii) *an accredited certifier, and*
 - (b) *the person having the benefit of the development consent:*
 - (i) *has appointed a principal certifying authority, and*
 - (ii) *has notified the consent authority and the council (if the council is not the consent authority) of the appointment, and*
 - (c) *the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the subdivision work.*

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32. *Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount of \$10,000.*

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of Council.

The bond will be refunded, if not expended, when the final Subdivision Certificate is issued.

33. *Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.*

(i) *The following information must accompany an application:*

- *original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees of \$110 per lot - 101 lots @ \$110/lot = \$11,110.00.*
- *relevant development consent or complying development certificate*
- *detailed subdivision engineering plans endorsed with a construction certificate (where applicable)*
- *for a deferred commencement consent evidence that the applicant has satisfied the consent authority on all matters which must be satisfied before the consent can operate*
- *evidence that the applicant has complied with all conditions of consent, that it is required to comply with before a subdivision certificate can be issued (where applicable)*
- *a certificate of compliance from the relevant water supply authority (where applicable)*
- *if a subdivision is the subject of an order of the Land and Environment Court under section 40 of the Land and Environment Court Act 1979 evidence that required drainage easements have been acquired by the relevant council*
- *for subdivision involving subdivision works evidence that:*
 - *the work has been completed, or*
 - *agreement reached with the relevant consent authority regarding payment of the cost of work or as to the time for carrying out the work, or*
 - *security given to the consent authority with respect to the completion of the work*
- *Work as Executed Plans for ALL works*

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- (ii) *Documentary evidence that all matters contained in Section 109J of the Act have been complied with.*
- (iii) *Written evidence from Council that the proposed road/street names have been approved.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

34. *Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council OR an accredited certifier for the following:-*

- (i) *Compliance Certificate - Roads*
- (ii) *Compliance Certificate - Water Reticulation*
- (iii) *Compliance Certificate - Sewerage Reticulation*
- (iv) *Compliance Certificate - Sewerage Pump Station/vacuum pots*
- (v) *Compliance Certificate - Drainage*

Note: 1. Where Council is requested to issue compliance certificates, applications for such certificates must be accompanied by documentary evidence from the Developers Supervising Consulting Engineer certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, DCP16 - Subdivision Manual and good Engineering Practice.

2. Where Council is requested to issue the construction certificate all compliance certificates and a Subdivision Certificate, Council will carry out the following inspections as deemed necessary by Council based on the rates contained in Council's current Fees and Charges:-

Roadworks

- a. *Pre-construction commencement erosion and sedimentation control measures*
- b. *Completion of earthworks*
- c. *Excavation of subgrade*
- d. *Pavement - sub-base*
- e. *Pavement - pre kerb*
- f. *Pavement - pre seal*
- g. *Pathways, footways, bikeways - formwork/reinforcement*

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h. Final inspections - on maintenance

i. Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

a. Excavation

b. Bedding

c. Laying/jointing

d. Manholes/pits

e. Backfilling

f. Permanent erosion and sedimentation control measures

g. Drainage channels

h. Final inspection - on maintenance

i. Off maintenance

Sewer Pump Station

a. Excavation

b. Formwork/reinforcement

c. Hydraulics

d. Mechanical/electrical

e. Commissioning - on maintenance

f. Off maintenance

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

3. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Supply Authorities Act, 1987 to be certified by an "accredited certifier".

35. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual.

The plans are to be endorsed by a Registered Surveyor AND a Consulting Engineer Certifying that:

(i) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;

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(ii) *the plans accurately reflect the Work as Executed.*

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

36. *Prior to the issue of a Subdivision Certificate a maintenance bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.*

The bond shall be based on 5% of the value of the works which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued and will be refunded following the remedying of any defects arising within the 6 month period.

37. (i) *PRIOR to lodging an application for a Subdivision Certificate, the applicant shall obtain the written approval of Council to the proposed road/street names. Approved names are to be in accordance with Council's Road Naming Policy adopted on 7 August 1996 and are to be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.*
- (ii) *To avoid confusion resulting from duplication of private driveway/accessway name and public road/street names, the applicant shall submit to Council for approval the proposed name(s) of any private driveway/accessways.*

The names shall be approved PRIOR to lodgement of any plan of subdivision in respect of the development.

Names which duplicate existing and approved street names will not be approved.

38. *Before the commencement of the relevant stages of road construction, reports shall be submitted to Council from a Registered NATA Consultant demonstrating.*
- a. *That the pavement has been designed and constructed in accordance with subgrade analysis as per Austroads Pavement Design, A Guide to the Structural Design of Road Pavements.*
- b. *That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)*
- c. *That the pavement layers have been compacted to RTA specifications.*
- d. *That site fill areas have been compacted to the specified standard.*
- e. *That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
- f. *That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.*

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39. *All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of Council.*
40. *The Construction Certificate application shall include a provision for pavement design. The final design shall be approved by Council OR an accredited certifier prior to the placement of any road pavement material.*

ROADS/STREETS

41. *Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet.*
42. *All proposed road/streets, drainage and associated works within the subdivision shall be designed and constructed in accordance with the development consent plans referred to in Condition 9 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.*
43. *The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-*
 - i. *Construction of the roads in the subdivision shall be generally in accordance with Cardno MBK Figures E105 Rev A, E106 Rev A and E112 Rev B, except where varied by the table below, except where varied by these conditions.*
 - ii. *Road cross sections employing "roll over" kerbing with a minimum of 0.9m abutting grass filter verge containing street lighting and street trees, to discourage parking on the footpath.*
 - iii. *A native tree planting schedule for each of the roads in the table below showing the location and species of each street tree, clear of driveways and sight lines.*
 - iv. *A right turn lane (eastbound on Road No. 1) and median gap is to be constructed to service the access road to the sportsfield or alternatively a roundabout is to be constructed at the intersection of Road No. 1 and Road No. 2.*
 - v. *The proposed public pathway from Road No. 2 and Road No. 4 and the public pathway from Road No. 4 to the beach (between lots 31/32) is to contain a constructed cycleway in accordance with condition 46(i).*
 - vi. *Proposed traffic calming devices must comply with the relevant Australian Standard and the NSW Roads and Traffic Authority technical direction for raised platforms. Detailed design plans shall be submitted with the construction certificate application.*
 - vii. *Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.*

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- viii. All cycleways/walkways shown on Statement of Environmental Effects Casuarina Beach Stage 4, December 1999 "Casuarina Beach Stage 4 Landscape Master Plan" are to be constructed in accordance with condition 46(i).

Bus shelters are required on Road No. 2 on the west side generally adjacent to Lot 100 and on the east side adjacent to Lot 101. The type and style of the bus shelters shall be approved by Council prior to installation.

- ix. Notwithstanding any steps within the Road Reserve boundary, the minimum road pavement and footway widths shall be maintained for the full length of all roads.

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
E105 Rev A	1	20	2 x 5.5m plus 2.0m medium	3.5m (paved footways widths 1.5m north side and 2.5m south side)
E105 Rev A; E106 Rev A	2	20	11.0	4.5m (paved footway width 1.2m both sides)
E105 Rev A	3 & 4	14	7.5	3.25m (single paved footway width 1.2m)
E106 Rev A	5 (east west section)	20.0	centreline to south 11.6m and centreline to north 3.75m	3.25m
E106 Rev A	5 (north south section)	14	7.5	3.25m (single paved footway width 1.2m)

44. The intersection of Road No. 1 and the new Coast Road shall be constructed to a Type C standard including channelisation, line marking and street lighting in accordance with Austroads Part 5, 'Intersections at Grade'.
45. All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
46. i. All cycleway, walkways and coastal walkway/cycleways shall be designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 and AMCORD provisions for single and shared footway/cycleway (Element 1.4 and PND17), and construction in accordance with engineering plans and

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specifications which accompany the construction certificate application which shall be approved by the Director, Development Services.

- ii. *Pursuant to Section 94 Plan No. 19 and Condition 39(a)-(e) of Development Consent S96/135 issued by the Land and Environment Court on 16 December, 1998, the applicant shall construct all cycleways, walkways and coastal walkways/cycleways applicable to Stage 4 as shown on Map 5 contained within Section 94 Plan No. 19.*
 - iii. *Alternatively, the developer may, in the case of residential frontage footpaths, pay a cash contribution to the value of the works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.*
 - iv. *If the developer elects to construct the footpath prior to the issue of a Subdivision Certificate, a cash maintenance bond equal to 25% of the contract value of the footpath shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on. The maintenance bond shall be lodged prior to release of the subdivision certificate.*
47. *Pram ramps are to be constructed at road intersections in accordance with Council's Plan No. A4-96 to the satisfaction of Council.*

DRAINAGE/FLOODING

48. *All fill of new residential lots is to be graded at 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted with the Construction Certificate application.*
49. *On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped with the exception of infiltration basins.*
50. *All roofwater from dwellings shall be discharged to infiltration pits located on each subject allotment. The design of the infiltration pits shall be submitted with the Application for the dwelling and approved by the Certifying Authority.*
51. *All proposed building pads are to be above the Q100 design flood level, including provision for any localised overland flow, such that at least 300mm freeboard is provided to the satisfaction of the Director Development Services.*
52. *The earthworks shall be carried out in accordance with AS 3798-1996, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.*

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53. *The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix 6, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-1996. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-1996.*
54. *Prior to final acceptance of the Stormwater system and release of the maintenance bond a CCTV inspection of the stormwater pipes will be required to demonstrate that the standard of the stormwater system is acceptable to Council.*

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

55. *The east/west drain located within lot 101 and between Lot 101 and controlled outlet No. 7 shall be piped or other approved conveyance system provided to a standard that satisfies the landform requirements of Council which will be to ensure the satisfactory usage of the public open space through which the drain traverses. All inlet structures within Lot 101 are to be located so that the usage of the open space is also not adversely compromised.*
56. *All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond/infiltration basins prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.*
57. *Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.*

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

58. *For the purpose of this condition “trunk drainage” shall be defined as the north and south flowing drains along the coastal frontage of the subject land and the continuation of these drains after their junction, downstream to Controlled Outlet No. 7 as generally located on Cardno MBK Figure E116 Rev B.*

The ultimate point of discharge for this development shall be Controlled Outlet No. 7.

Trunk drainage shall be designed to convey Q_{100} stormwater discharge. The trunk drainage shall be constructed and the land (containing the drain) dedicated to Council.

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The trunk drainage along the coastal boundary, and elsewhere, shall be designed to accommodate Q_{100} (no infiltration) flows with a minimum 300mm freeboard. Separate approval is required for any drainage along the coastal boundary with Lot 500 that requires filling or any other ancillary works on adjacent land. This work will also require approval from the Reserves Trust.

Where consistent with other land use requirements, grassed swale drainage is to be used in preference to pipes or hard lined channels. In designated public open space areas, open drains will only be permitted if the resultant landform is satisfactory to Council for open space purposes.

The underground drainage in Road No. 2 south of Road No. 1 shall be reconfigured to eliminate the outlet adjacent to proposed lot 9 and the outlet shall be redirected to discharge into the trunk drain adjacent to Road No. 1 or alternatively the drainage system is to be amended to ensure drainage flows do not compromise the usage of open space lot 9.

The underground drainage on proposed roads No. 1 and No. 2 and their discharge locations to the trunk drainage system are to be reconfigured, if necessary, to ensure runoff (from road No. 1 and No. 2 catchments) passes through infiltration basins of appropriate size prior to ultimate discharge to Controlled Outlet No. 7.

59. (a) *Except for proposed lot 101 and proposed lot 100, Residue Lots 54 & 99, the land shall be shaped in general accordance with Cardno MBK Figure E108 and as limited by Figure E128 REV B "Bulk Earthworks" and:*

- *Where the proposed levels are inconsistent with existing levels on adjacent land, retaining walls (and any necessary ancillary or drainage works) shall be provided on the lot boundaries to ensure the land shaping has no adverse affect on adjoining land. Plans and specifications of the retaining walls and ancillary works and the written approval of the adjacent landowner shall be submitted with the construction certificate application.**
- *Provision shall be made to ensure surface runoff does not discharge onto adjoining land*
- *Provision shall be made to accept up to Q_{100} surface runoff from adjacent land that discharges onto the subject land .*

** As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping of both the subject land and adjacent land. Such a proposal must be authorised by all affected land owners and indemnify Council from any action resulting from the execution of the proposal or any landforming activity that may adversely affect adjoining land.*

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- (b) *Proposed Lot 101 and Lot 100 shall be shaped to a landform that is consistent with their open space objectives and a landform that is satisfactory to Council for open space purposes.*

60. *This condition refers to proposed Lots 54, 55, 56 and 99.*

Prior to release of any subdivision certificate:

- *These lots shall be provided with interim and ultimate drainage inlets on the lots or at lot boundaries. The interim period is defined as that time between the creation of the lot and the development of the lots. The lots shall be shaped to ensure all interim Q5 concentrated drainage and surface runoff from slopes longer than 40m is discharged to these inlets. Provision shall be made outside the lots for acceptance and transport of ultimate and interim Q100 flows from the lots.*
- *Where infrastructure required to serve a management lot, passes through another lot, easements in favour of Council shall be granted over the infrastructure and necessary access roads to such infrastructure.*

The following only refers to proposed lots 55 and 56.

Prior to release of any subdivision certificate:

- *Sufficient permanent infrastructure must be constructed in the subdivision that creates these lots so that they may be capable of being developed to their ultimate capacity by subsequent applicants without any requirements for provision or augmentation of external infrastructure. All proposed infrastructure that crosses the boundaries of these lots or runs adjacent to their boundaries must be constructed in the subdivision that creates the lots.*
- *Bulk earthworks over the site shall be completed sufficient to ensure that road levels are fixed, the drainage system is established and the lot boundaries are at their final level*

61. *Permanent Stormwater Quality Treatment*

(a) *Stormwater Quality Objectives*

Permanent stormwater quality treatment shall comply with “Tweed Urban Stormwater Quality Management Plan” (adopted by Council 19 April 2000) section 5.5.3 “Stormwater Objectives During the Post Construction or Occupational Phase of Development” . New development is required to comply with table 5.4 and demonstrate compliance by modelling in accordance with section 5.5.4 of the Plan:

Section 5.5.5 of the plan further advises that treatment that is in accordance with the “deemed to comply” provisions of Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality is deemed to comply with the objectives in 5.5.3”.

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“Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational) Phase of Development

<i>Pollutant</i>			
<i>Nutrients</i>	<i>Maximum permissible load that may be discharged kg/ha/year</i>		
	<i>Average year (1719mm)</i>	<i>Wet Year (2185mm)</i>	<i>Dry Year (929mm)</i>
<i>Suspended solids (SS)</i>	300	400	120
<i>Total Phosphorus (TP)</i>	0.8	1.1	0.35
<i>Total Nitrogen (TN)</i>	4.5	6	1.5
<i>Litter</i>	<i>Retention 70% of annual litter load greater than 5mm</i>		
<i>Coarse sediment</i>	<i>Retention of 90% of annual load of sediment coarser than 0.125 mm</i>		
<i>Oil and grease (hydrocarbons)</i>	<i><10 mg/litre in flows up to 40% of Q1 peak.”</i>		

Note: The Water Quality Management and Monitoring Program contained in Cardno MBK letter of 21 February 2000 containing proposals for Water Quality Management generally achieves the above objectives.

(b) Water Sensitive Design

Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse. These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.

(c) Infiltration

- i. Infiltration areas are to be sized with a safety factor of 2 (this is to allow for long term deterioration in infiltration rate).*
- ii. Runoff entering infiltration trenches/basins shall be pretreated to remove sediment and gross pollutants.*
- iii. The infiltration rate for infiltration devices shall be determined as follows:*

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- *Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994. Disposal Systems for Effluent from Domestic Premises.*
- *If the above calculation yields a result $<6\text{m/day}$, this rate may be used for design.*
- *If the result is $>6\text{m/day}$, the rate for design may not exceed 6m/day unless this rate is confirmed by independently determining the coefficient of permeability of the soil in accordance with AS 1289.6.7.3. Notwithstanding these tests, the maximum infiltration rate that may be used for design and sizing purposes is 12m/day*

(d) Specific Requirements

Permanent stormwater quality devices are to be designed in accordance with these conditions and "Tweed Urban Stormwater Quality Management Plan" Appendix E – Tweed Shire Council, Aus-pec D7 – Stormwater Quality, and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate Application.

Unless stated otherwise, references in brackets refer to sections on devices in NSW EPA publication "Managing Urban Stormwater - Treatment Techniques, November 1997".

- *Roof drainage. All future roof drainage is to be discharged to infiltration trenches located on each contributing allotment or on other land appropriately title burdened to the contributing allotment. Infiltration trenches shall be designed in accordance with the following criteria:*
 - *As a minimum requirement, trenches are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) and infiltrate this storm within a 24 hour period, with a safety factor of 2, before surcharging occurs*
 - *Surcharge overflow from the infiltration area to the street gutter, interallotment or public drainage system must occur by visible surface flow.*
 - *Runoff is to be pre treated to remove contaminants prior to entry into the absorption areas (to maximise life of absorption areas between major cleaning/maintenance overhauls).*
 - *If the site is under strata or community title, the strata/community title plan is to ensure that the absorption areas are contained within common areas that remain the responsibility of the body corporate (to ensure continued collective responsibility for site drainage).*

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- *Where consistent with other land use requirements, grassed swale drainage (Ref 5.2) is to be used in preference to pipes or hard lined channels.*

Note: Swales are not preferred as a substitute for kerb and gutter

- *where on street parking is required, unless cars can be excluded from swale area*
- *on roads serving small lots with numerous driveways*
- *where gradients are <1% or >5%)*
- *Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or equivalent devices approved by Council) are to be provided in the underground road/hardstand stormwater drainage systems to remove sediment, litter and oil/grease prior to discharge onto the coastal drain/infiltration area or the trunk drainage system, ie. at the following locations: -*
 - *East side of proposed Road No. 5 between lots 31/32 and north of lot 39*
 - *On the downstream underground drainage on part of proposed lot 101 between proposed lots 24/25*
 - *East side of proposed road No. 5 between proposed lots 76/75*
 - *On the downstream underground drainage on part of proposed lot 101 between proposed lots 87/86*
 - *On the downstream end of drainage systems in Road No. 2 and Road No. 1 prior to discharge into the trunk drainage system*
- *Infiltration basins (ref 5.6) shall be provided prior to Controlled Outlet No 7, to infiltrate runoff from all contributing stormwater for flows of up to 40% of ultimate $Q_{1\text{ year}}$. Infiltration basin sizing shall be determined on a catchment basis. For the purpose of this consent a "catchment" shall be the total area draining controlled outlet No. 11. The infiltration basins shall be contained within reserves to be dedicated to Council. The basins may only be contained within designated public open space areas, if the resultant landform is satisfactory to Council. Infiltration basins are to consist of raw dune sand with an minimal vegetation cover of endemic dune grasses. No topsoil, mulch or other vegetative matter is to be used on infiltration basin surfaces and no establishment, operation or maintenance procedures are permitted that may reduce surface permeability.*

SERVICES

Sewer

62. *The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.*

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63. i. *Prior to issuing a Subdivision Certificate, outfall sewerage reticulation shall be provided to all lots within the subdivision including a minimum 150mm diameter sewer junction terminated at least 1.0m inside the property boundary of each lot in accordance with engineering plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.*

Council does not permit the building over Council's sewers. When buildings are located in close proximity to the sewer, detailed plans of footing types, location and depth relative to the sewer are required to be included with the Construction Certificate Application.

- ii. *Any Sewerage Works required by the Stage 1 Consent S96/135 which have been bonded shall be completed to the satisfaction of the Director of Engineering Services PRIOR to release of the linen plan.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Water

64. *Prior to issuing a Subdivision Certificate, Town Water shall be provided to each lot including a minimum size 25mm outside diameter water service terminated 1.0m inside the property boundary of each lot in accordance engineering with plans to accompany the Construction Certificate application. The reticulation shall be designed and constructed in accordance with DCP16 - Subdivisions Manual.*

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

Telephone

65. *The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply, prior to issue of a Subdivision Certificate.*

Electricity

66. i. *The production of written evidence from NorthPower certifying that reticulation of underground electricity has been completed; and*
- ii. *Prior to the issue of a Subdivision Certificate, the reticulation to include the provision of fully installed electric street and parkland pathway lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council, the proposed location and style of lighting standards (clear of other public utilities, private accesses and street trees) to be submitted with the Construction Certificate Application.*

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ENVIRONMENT PROTECTION

67. *Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.*
68. *All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.*
69. *All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.*
70. *The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.*
71. *Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17^o or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application.*

Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:

- i) Contours and terraces where the height exceeds 1m.*
 - ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.*
 - iii) Densely plant with sub-tropical (rainforest) native and native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.*
 - iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.*
 - v) The landscaping shall be completed to the satisfaction of the Director Development Services PRIOR to the issue of a Subdivision Certificate.*
 - vi) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.*
72. *All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.*
 73. *The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.*

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74. *Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.*

75. *All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:*

A. *Short Term Period - 4 weeks.*

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. *Long term period - the duration.*

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

76. *The following restrictions apply to dog and cat ownership and control on all residential lots:-*

A. i. *Owners of dogs within the development shall have their yards fenced so as to securely contain a maximum of one (1) dog per allotment and the ownership of cats within the development shall be restricted to one de-sexed cat per allotment and such cats shall be restrained within the house or a secure night cage between the hours of 6.00pm and 6.00am.*

ii. *No dog shall be registered without the construction of a dog-proof compound which must be approved by Council and the relevant fee paid by the applicant.*

iii. *No owner can retrieve a dog that has been impounded unless they can demonstrate to Council they have a secure compound.*

These ownership and control requirements shall be reinforced by a Restrictions as to User under Section 88B of the Conveyancing Act, 1919-1964.

A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied and modified only with the consent of Council.

B. *The applicant shall prepare a list of non-endemic garden plants that have a reputation for becoming environmental weeds on coastal sands on the Tweed. The list is to be approved by the Council granting delegated authority to the Director Environment & Community Services. The growing of plants in the list shall be prohibited on the subject land by way of a Restriction as to User under Section 88B of the Conveyancing Act.*

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A Section 88B Instrument creating the restriction as to user shall contain a provision enabling the restriction to be revoked, varied or modified only with the consent of Council.

77. *All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording to the satisfaction of Council.*
78. *The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.*
79.
 - i. *Submission and approval of a separate development application for those works to be undertaken in accordance with the Dune Management Plan and Lot 500 Management Plan required by Consent S96/135 issued by the Land and Environment Court on 10 December, 1998.*
 - ii. *The Dune Management Plan and Lot 500 Management Plan shall be implemented in accordance with any development consent obtained pursuant to Condition 80(i) to the satisfaction of Council.*
80. *The Water Quality Monitoring and Management Program prepared by Cardno MBK dated 1 February 2000 is to be implemented and be amended to include that an additional 3 groundwater monitoring points.*

In addition, the water quality objectives table is to be amended to include an objective for groundwater level alteration. These details are to be submitted to the satisfaction of Council prior to the commencement of works. Any alteration to this will need to be to the satisfaction of Council.

81. *The Acid Sulfate Soils Management Plan prepared by Cardno MBK dated 1 February 2000 is to be implemented for the duration of the works.*

Page 8 of the "Reporting" section 13 to be amended to include "Council will be informed within 7 days of any non-compliant results, particularly in relation to exceedances of the nominated range for each water quality parameter."

The details are to be submitted to the satisfaction of Council prior to works commencing.

82. *In accordance with Condition 34 of Consent S96/135 for Stage 1, prior to issuing a Construction Certificate for development of any management lot, all existing bitou bush plants shall be removed from that lot and the resultant disturbed areas shall be treated to suppress dust nuisance and soil erosion pending any development thereof.*
83. *Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate.*

Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section

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5.5.2 “*Stormwater Objectives During the Construction Phase of New Development*”. This section requires all new development to comply with Appendix E of the Plan “Tweed Shire Council Aus-Spec D7 - Stormwater Quality” and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”. Erosion and Sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

84. *PRIOR to any work commencing pursuant to this consent, a suitable fence shall be erected on the alignment of the eastern extremity of the approved work to ensure that no unauthorised works or disturbance occur within Lot 500.*
85. *In accordance with the provisions of condition 41(d) of Consent S96/135 for Stage 1 and as required by the National Parks and Wildlife Service in their letter dated 24 May, 2000, the following requirements shall be complied with:-*
- i. Drainage swales/open space corridors rising east/west shall be replanted with suitable indigenous vegetation sourced locally to assist the east/west dispersal of wildlife.*
 - ii. A minimum of 300 Banksias are to be planted in each development lot in areas of public and private open space. These trees may include large (greater than 10cm DBH) individuals translocated from areas where their clearing is essential for the development design. These trees should be located in clumps and as far away from urban areas and lighting as possible.*
 - iii. All large mature Banksias, up to a maximum of 30 per management lot, in public or private open space, drainage swales etc, are to be marked and retained unless their removal is approved by Council in order to satisfy its requirements for open space and/or the proponents design of the development. Where such a tree is removed, it shall be replaced by a tree of similar size, taken from an area where it would otherwise be lost, and translocated into an unconstrained area of the lot.*
 - iv. The proponent shall monitor and maintain as necessary any translocated trees for a period of one year from the date of consent in order to promote their survival.*
 - v. In respect of the north-western area, as identified in the Gunninah report, clearing is to be deferred for a period of four years from 1 June 1999, or an alternative biological timeframe to be agreed between the applicant, NPWS and Tweed Shire Council.*
 - vi. In respect of the commercial area, clearing may commence within four years from 1 June 1999 in accordance with an agreed biological timeframe provided that adequate mitigation measures can be demonstrated to NPWS and Tweed Shire Council.*
86. *Compliance with the conditions imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-*
-

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- a. *No residential or associated buildings being erected on land zoned 7(f);*
- b. *Landscaping to the satisfaction of the Council being established on the land zoned 7(f) within each allotment to protect the scenic amenity of the land;*
- c. *Pedestrian and bicycle access only from the eastern boundary of the allotments to the public walkway and cycleway may be made provided such access is not inconsistent with a Management Plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land and Water Conservation; and*
- d. *No beach access for vehicles or pedestrians from either the carpark or from the public walkway and cycleway unless such access is consistent with a Management Plan which covers the public foreshore areas and is agreed to by both the Council and the Department of Land and Water Conservation.*

be rescinded."



Mike Rayner
Acting General Manager