

Minutes – Postponed Extraordinary Meeting of Tweed Shire Council

IN ATTENDANCE

Councillors L F Beck (Mayor), R D Brinsmead, G J Lawrie, B M Luff, W M Marshall, W J Polglase, P C P Youngblutt.

Also present were Dr John Griffin (General Manager), Mr Mike Rayner (Director Engineering Services), Mr David Broyd (Director Development Services), Mr Don Buckley (Director Environment & Community Services), Mr Richard Adams (Acting Director Corporate Services) and Mr Brian Donaghy (Manager Administration Services/Public Officer).

The meeting opened with a Prayer by the Mayor.

ABSENT

Councillors G Davidson (Deputy Mayor), M R Boyd, B J Carroll, H James.

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Cr Youngblutt

Cr Brinsmead

RESOLVED that the apology of Cr Davidson, Cr Boyd, Cr Carroll, Cr James be accepted.

Voting - Unanimous

DISCLOSURE OF INTEREST

Nil

ORDERS OF THE DAY

1. **Proposed 94 Lot Subdivision at Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff - Casuarina Beach Stage 6 (DA 0681/2000DA**

DA1180/382 Pt5

Cr Brinsmead

Cr Youngblutt

PROPOSED that Council resolution at Minute No 164 in relation to Item 8 of the Meeting held 16 August 2000 being:-

".....that Development Application No. 0681/2000DA for a 94 lot subdivision of Lot 1 DP 811425, Lot 7 DP 1014470, Lot 6 DP1014470 and Lot 5 DP 1014470 Coast Road, South Kingscliff (Casuarina Beach Stage 6) 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.*

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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 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 6 application is to be consistent with the lot boundaries of open space lots 8, 9, 13 & 14 in DP 1014470.*
6. *Notwithstanding any other condition of this consent, a construction certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a construction certificate for all subdivision works subject to compliance with the following conditions:- 3, 4, 14, 15, 16, 17, 18, 21, 24, 25, 27, 34 (relating to bulk earthworks only), 35 (relating to bulk earthworks only), 36, 47 (viii), (xii), (xiv), 52, 54, 55, 56, 58, 59, 60, 61, 62(d), (ii), (iii), (iv), (v), (vi), (vii), 64, 73, 74, 75, 76, 78, 79, 80, 84.*

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. *Construction of each section of walkway / cycleway immediately east of any management lot shall be completed prior to the release of the linen plan for subdivision of the respective management lot.*
9. *The design of the walkway shall be integrated with any adjacent proposed car parking areas and beach access points and shall extend for the full frontage of the land*

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including, where necessary, within the Crown Foreshore Reserve subject to the approval of the Reserves Trust.

10. *This consent does not give approval to proposed Stage 6b, which shall be subject to a fresh development application.*
11. *A total of 75 public parking spaces are to be provided along the eastern side of proposed road 11, in accordance with the Stage 6 concept master plan. The subject parking spaces are to be designed and constructed in accordance with Council's Development Control Plan No. 2 – Site Access & Parking Code.*
12. *Submission of separate development application/s for further development of the proposed residue lot and medium density allotments (proposed lots 113, 169, 171, 172, 173, 174, 175, 176 & 177).*
13. *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.*
 - (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.
14. *The development shall be completed in general accordance with Figures E403, E404 and E405 prepared by Cardno MBK and dated May 2000, except where varied by these conditions.*

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15. *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.*
16. *No soil, sand, gravel, clay or other material shall be disposed of off the site without the approval of Council.*
17. *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.*
18. *The subdivision is to be carried out in accordance with Development Control Plan No 16 - Subdivisions Manual.*
19. *A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of Development Consent No DA2000/681 have been complied with.*
20. *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.
21. *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.*
22. *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.*

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23. *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.*
24. *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.
25. *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.
26. *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.*
27. *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.*
28. *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

29. *The cycleway / walkway corridor shall be landscaped and fenced in accordance with plans to be submitted and approved before work commences.*
30. *Dedication, at no cost, to Council of the local parks (proposed lots 170, 179 & 180). 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.*

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Active Open Space

31. Prior to the release of the Stage 6a linen plans, the applicant shall embellish the active open space Stage 1 Management Lot 10 DP 1014470 to the satisfaction of Council in accordance with detailed plans to be submitted and approved with the Construction Certificate application. Such embellishment shall be in accordance with S.94 Plan No. 19, including, but not limited to:-
- (a) Being capable of use as playing fields (i.e. level of acceptable geometric shape and drained).
 - (b) Top dressing, seeded and landscaped, including irrigation facilities.
 - (c) Council will also require provision of an amenities block for the structured open space area, with appropriate vehicular parking and pedestrian access.

CONTRIBUTIONS

32. (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.

Stage 6A

- a. Tweed Road Contribution Plan:

93 lots @ \$2394 per lot \$222,642.00

Local Contribution

93 lots @ \$554 per lot \$51,522.00

A credit for local contribution will apply in relation to works on these intersections, pursuant to the stage 2, 3 & 4 consents.

S94 Plan No. 4 (Version 4.0)

(Duranbah/Cabarita/Kings Forest Development - Residential)



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If any available credits are not consumed by the Stage 2 Consent No. K99/1360, Stage 3 Consent No. K99/1733, or Stage 4 Consent No. K99/1732, 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.

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:

$$\$Con\ TRCP - Heavy \quad \text{heavy haulage contribution}$$

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: 93 lots @ \$42.90 per lot \$3,989.70*

S94 Plan No. 6

c. *Shirewide Library Facilities:*

93 lots @ \$300 per lot \$27,900.00

S94 Plan No. 11

d. *Eviron Cemetery/Crematorium Facilities:*

93 lots @ \$126 per lot \$11,718.00

S94 Plan No. 13

e. *Bus Shelters: 93 lots @ \$23 per lot \$2,139.00*

S94 Plan No. 12

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f. *Emergency Facilities (Surf Lifesaving)*

93 lots @ \$250 per lot \$23,250.00

S94 Plan No. 16

g. *Extensions to Council Administration Offices*

& Technical Support Facilities

93 lots @ \$344.81 per lot \$32,067.33

S94 Plan No. 18

h. *Structured Open Space* 93 lots @ \$640 per lot \$59,520.00

S94 Plan No. 19

NB: The works required by Condition No. 31 shall be credited against this contribution for an approved amount in accordance with the provisions of Section 94 Plan No. 19

i. *Cycleways* 93 lots @ \$160 per lot \$14,880.00

S94 Plan No. 22

NB. Contribution to be credited against cost of works in condition No. 49.

j. *Community Facilities:* 93 lots @ \$497 per lot \$46,221.00

S94 Plan No. 19

33. *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:

Stage 6A

Water: 93 lots @ \$3590 per lot \$333,870.00

Local Section 64 Water Supply levy 93 lots @ \$205 per lot \$19,065.00

Sewer: 93 lots @ \$2970 per lot \$276,210.00

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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

34. *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.

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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.

35. *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.*
36. *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.

37. *Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained.*
- (i) The following information must accompany an application:*
 - a) 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 \$115 per lot*

Stage 6A- 97 lots @ \$115/lot = \$11,155.00.
 - b) Relevant development consent or complying development certificate*
 - c) Detailed subdivision engineering plans endorsed with a construction certificate (where applicable)*
 - d) 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)*

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- e) *A certificate of compliance from the relevant water supply authority (where applicable)*
- f) *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*
- g) *For subdivision involving subdivision works evidence that:*
 - (i) *the work has been completed, or*
 - (ii) *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*
 - (iii) *security given to the consent authority with respect to the completion of the work*
- h) *Work as Executed Plans for ALL works*

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.

38. *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:-*

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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*
- f. Off maintenance*

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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".*

39. *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 Council carries out works on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed plans.

40. *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.

41. (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.

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

- i. *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.*

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- ii. *That the pavement materials used comply with the specifications in RTA Form 3051 (June 1998)*
 - iii. *That the pavement layers have been compacted to RTA specifications.*
 - iv. *That site fill areas have been compacted to the specified standard.*
 - v. *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.*
 - vi. *That pavement testing has been completed in accordance with Table 8.1 of AS 3798-1996.*
43. *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.*
44. *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

45. *Submission of documentary evidence that adequate vehicular access in accordance with Council's 'Access to Property' pamphlet, can be provided to each lot.*
46. *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 No. 15 AND the relevant provision of DCP No. 16 - Subdivisions Manual, except where varied by the conditions of this consent.*
47. *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 E423 and E423A, except where varied by the table below, and 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. *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.*
 - v. *Drainage inlets are to be relocated to avoid conflict with pram ramps for cycleway/walkways.*

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- vi. *Roundabouts shall be constructed at the following intersections in accordance with Austroads Pt.6 – Roundabouts;*
- Road No. 1 and Road No. 7 – Outside circulating diameter to be 30.0m*
- Road No. 10 and Road No. 7 – Outside circulating diameter to be 28.0m*
- Road No. 3 and Road No. 5 – Outside circulating diameter to be 28.0m*
- vii. *The engineering plan shall provide for bus shelters on Road No. 7 and Road No. 11. The location of these bus shelters shall be determined after consultation by the applicant with the bus operators. The type and style of the bus shelters shall be approved by Council prior to installation and shall be clearly identified on the engineering plans lodged with the Construction Certificate.*
- viii. *The Casuarina Beach developer shall be responsible for 50% only of the costs, of the construction of the road and will bond 120% of that 50%.*
- ix. *A roundabout shall be constructed at the intersection of the existing Coast Road and the newly constructed Crown road reserve in accordance with Austroads Pt.6 – Roundabouts. The outside circulating diameter shall be 28.0m.*
- x. *The future connection point for the realignment of the Coast Road shall be Catherine Street.*
- xi. *Road 4 shall be cul-de-sac at either end where it abuts Road 11 and the Crown Reserve Road on the northern boundary of the land. Road 11 shall not be connected to Road 2 and appropriate landscape barriers shall be placed near the alignment of Road 2 and Road 11. A pedestrian access at the alignment of Road 2 and Road 11 and at the alignment of Road 4 and Road 11 shall be provided. Pedestrian access only shall be provided at the alignment of Road 4 and the Crown Reserve Road on the northern boundary of the land subject of this application.*
- xii. *The bulk earthworks and engineering plans shall ensure the continuity of the existing realigned Coast Road is maintained at all times.*
- xiii. *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 and shall be in accordance with the table below.*

Figure	Road Number	Min. Road Reserve	Min. Carriageway Width	Min. Footway Width
E423	1	20.0m	9.0m	5.5m (paved footways widths 2.5m north side and 1.5m south side)
E423A	3	20.0m	9.0m	5.5m (paved footway width 1.2m both sides)

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<i>Figure</i>	<i>Road Number</i>	<i>Min. Road Reserve</i>	<i>Min. Carriageway Width</i>	<i>Min. Footway Width</i>
E423A	5	16.0m	7.5m	4.25m (single paved footway width 1.2m)
E423A	6	14.0m	7.5m	3.25m
E423	7	20.0m	11.0m	4.5m (paved footway widths 2.5m on eastern side & 1.5m on the western side)
E423	8	16.0m	7.5m	4.25m(paved footway widths 1.2m both sides)
E423	9	14.0m	7.5m	3.25m(single paved footway 1.2m wide)
E423	10	20.0m	2x5.5m plus 2.0m medium	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 0.0 - 130.0 & ch 480 - 612	18.0m	11.0m	3.5m(paved footway width 1.5m both sides)
E423/E423A	11 ch 140 – 480	16.0m	9.0m	3.5m(paved footway width 1.5m both sides)
E423A	12	14.0m	7.5m	3.25m(single paved footway 1.2m)
E423A	13	20.0m	9.0m	5.5m(paved footway width 1.2m both sides)

48. All permanent cul-de-sacs shall be constructed with kerb radius of 9.0m and a minimum footway width of 3.0m.
49. 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 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 to be consistent with 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 6 as shown on Map 5 contained within Section 94 Plan No. 19.

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- 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.*
50. *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

51. *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.*
52. *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.*
53. *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.*
54. *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.*
55. *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.*
56. *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.*
57. *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.*

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

58. *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.*
59. *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.

60. (a) *For the purpose of this condition “trunk drainage” shall be defined as:*
- (i) *The “trunk drainage” defined in the consent conditions of DAK99/1733 (Casuarina Beach Stage 3, being the drain along the coastal frontage of Stage 3 to the south east corner of proposed lot 82 in Stage 3 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 part of the development shall be Controlled Outlet No. 11.)*
 - (ii) *The drainage paths between the east draining stormwater outlets from proposed stage 6 and the coastal frontage drain included in (i) above.*
 - (iii) *No stormwater runoff shall be discharged to the west of the realigned Coast Road, other than from half the width of road 3, 7 & 13.*
- (b) *The ultimate lawful point of discharge for east flowing stormwater runoff from this application shall be controlled outlet No. 11.*
- (c) *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 easements created. In the section between proposed lot 70 of stage 3 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 all weather, two wheel drive standard.*
- (d) *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*

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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.

61. *The subject land shall be shaped in general accordance with Cardno MBK. Revised Final Levels – 6a, as attached to the letter from Cardno MBK dated 25 July 2000 as limited by Figure E426 “Bulk Earthworks” except as follows;*

- (i) The levels adjacent to the Crown Road at the northern end of the subdivision shall not vary from the existing levels by more than approximately 500mm (the Crown road on the northern boundary may be converted to public road, formed and drained to achieve this) and;*
- (ii) 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.*

NB. As an alternative, the applicant may submit a proposal with the construction certificate application for simultaneous reshaping and draining 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.

- (iii) Provision shall be made to ensure surface runoff does not discharge onto lot 500 or other adjoining land, except where required by Condition 48(viii).*
- (iv) Provision shall be made to accept up to Q100 natural or existing surface runoff from adjacent land that discharges onto the subject 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 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

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

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 pre-treated to remove sediment and gross pollutants.*
- iii. The infiltration rate for infiltration devices shall be determined as follows*
 - (i) Conduct percolation tests on the site in accordance with Appendix B of A.S. 1547-1994 - Disposal Systems for Effluent from Domestic Premises.*
 - (ii) If the above calculation yields a result <6m/day, this rate may be used for design.*

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- (iii) *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”.

- (i) *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).*

- (ii) *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%)*

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- (iii) *Oil/Grit Separators (ref 4.7), permanent pool 30m³ per impervious hectare, with 50-70% of this volume in first chamber (or alternative 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.*
 - (iv) *Infiltration basins (ref 5.6) shall be provided for west flowing runoff prior to discharge from outlets on residue lot 113. The applicant shall ensure infiltration of runoff from all contributing stormwater for flows of up to 40% of ultimate Q 1 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. As an interim measure the infiltration basins for west flowing runoff may be located in easements, pending finalisation of the layout for all of stage 1 management lots 6 and 7. 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.*
 - (v) *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.*
63. *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.*
64. *This condition refers to proposed lots 169,171,172,173,174, 175,176, 177 and 178.*
- Prior to the issue of any Subdivision Certificate the following shall be required;*
- (i) *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.*
 - (ii) *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*

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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.

- (iii) 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).*
- (iv) Any public utilities currently located in these lots are to be either relocated to public land or easements created over the existing alignments*

SERVICES

Sewer

- 65. The applicant shall lodge detailed engineering plans with the construction certificate application for the Sewerage Reticulation and Pumping System.*
- 66. 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.

- 67. Prior to final acceptance of the Sewer system and release of the maintenance bond a CCTV inspection of the sewer pipes will be required to demonstrate that the standard of the sewer system is acceptable to Council.*

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

Water

- 68. 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*

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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.

69. *The applicant shall lodge with the Construction Certificate application for stage 6A a detailed demand analysis for the proposed pipe network, which clearly shows that peak demand and fire fighting requirements are satisfied.*
70. (i) *The existing 250dia. water main as shown on Figure E422 shall be upgraded to a 450dia water main generally in accordance with the Statement of Evidence Report on Water Supply Infrastructure prepared by P.N. Casey and dated September 1998.*
 - (ii) *No individual house connections shall be allowed to this 450dia trunk main. A separate reticulation water main suitably sized shall be required to service allotments.*
 - (iii) *At least one (1) week prior to the decommissioning of the 250dia water main and the commissioning of the 450dia water main, the applicant shall notify all affected residents of the disruption to their water supply. The Director Engineering Services shall approve the notification program. Council shall supervise all works at the applicant's expense.*

Telephone

71. *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

72. 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 are 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) are to be submitted with the Construction Certificate Application.*

ENVIRONMENT PROTECTION

73. *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.*
74. *All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.*

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75. *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.*
76. *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.*
77. *Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17o 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.*
78. *All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.*
79. *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.*
80. *Construction site work including the entering and leaving of vehicles is to be restricted to between 6.00 am and 8.00 pm Monday to Saturday and no work on Sundays, providing that no residential premises are adjacent to the site, in which case, construction times are to be restricted to 7.00am to 7.00pm Monday to Saturday.*
81. *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.

82. *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.

83. *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.*

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

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85. i. *Submission of documentary evidence that Part V Approval has been obtained 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 prepared by Aspect North and dated 29 May 2000 shall be implemented in accordance with any Part V Approval obtained pursuant to Condition 87(i) to the satisfaction of Council.*
86. *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.*
87. *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.*
88. *The applicant shall add to the submitted Acid Sulfate Soil Management Plan (page 8), the following requirement:- ‘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’.*
89. *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 letters dated 24 May, 2000 and 1 August 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, a tree of similar size shall replace it, 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 and pursuant to the requirements of the National Parks & Wildlife Service, clearing is to be deferred for a period of four (4) years from 1 July 1999, or an alternative*

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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.*
90. *Compliance with the following condition imposed by the Department of Urban Affairs and Planning in granting concurrence to development in the 7(f) zone as follows:-*
- a. *The proposal shall not provide for beach access for vehicles or pedestrians from either the carpark or from the public walkway / 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 & Water Conservation.”*

be rescinded.

The Motion was **Lost**

Voting For

Cr Luff

Voting Against

Cr Beck
Cr Brinsmead
Cr Lawrie
Cr Marshall
Cr Polglase
Cr Youngblutt

There being no further business the Meeting terminated at 1.04pm.

☞

Minutes of Meeting Confirmed by Council

at Meeting held Wednesday 6 September 2000

I hereby certify that I have authorised the affixing of my electronic signature to the previous pages numbered 1 to 30 of these Minutes

Chairman

C. F. Beck

CHAIRMAN