

TWEED SHIRE COUNCIL

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
DEFERRED COMMENCEMENT

To: Metricon Qld Pty Ltd
C/- Jim Glazebrook & Associates Pty Ltd
PO Box 827
MURWILLUMBAH NSW 2484

Pursuant to Section 81(1)(a) of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA05/0308** relating to land described as:-

Lot 13 DP 793985; Lot B DP 368706; Lot 1 DP 392245
Barnby Street
Murwillumbah

to be developed in accordance with plans and details submitted for the purpose of –

STAGED RESIDENTIAL SUBDIVISION (3 STAGES) COMPRISING 89 SINGLE DWELLING LOTS, 7 DUPLEX BLOCKS, 1 DRAINAGE RESERVE, 1 RESIDUE LOT & 2 PUBLIC RESERVES

The Development Application has been determined by the granting of a “deferred commencement” consent.

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within six months of the date of notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A". The consent shall become operative and take effect from the date of notification under Section 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

Conditions imposed pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 and Section 67 of the Regulations as amended.

The applicant must obtain adjoining owner's consent over Lot 2 DP 534521 (Council's Treatment Works) for the creation of a drainage easement over the existing "cane drain", to provide a legal point of discharge for the development.

SCHEDULE B

NOTE: THIS PART OF THE CONSENT WILL NOT BECOME OPERABLE UNTIL COUNCIL ADVISES THAT THE MATTERS CONTAINED IN SCHEDULE A ARE SATISFIED.

GENERAL

1. **DELETED.**

1A. **DELETED**

1B. The development shall be completed in accordance with the Statement of Environmental Effects and the following Plan Nos: -

- Drawing 20399 (G) prepared by Brown & Haan Surveying dated 3.8.2007 – amended to indicate Lots 234 and 235 to be included in Stage 1, and to reference the western end of Rous River Way as “TRCP link road – to be dedicated to Council as part of Stage 1” only”;
- Drawing Number 7214/6/1 DA Figure 4 Revision E prepared by Cardno MBK and dated May 2006;
- Drawing Number 7214/06/1 DA Figure 10 Revision B prepared by Cardno MBK and dated August 2004;
- Drawing Number 7214/06 DA Figure 13 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 14 Revision A prepared by Cardno MBK and dated November 2003;
- Drawing Number 7214/06/01 DA Figure 17 Revision B prepared by Cardno MBK and dated January 2005;
- Drawing Number 7214/06 DA Figure 18 Revision B prepared by Cardno MBK and dated August 2004;

except where varied by the conditions of this consent.

[GEN0005]

2. The development shall be completed in accordance with the: -

- Acoustic Report prepared by Savery & Assoc P/L, No. S514, dated 24 February 2005. Compliance shall be in accordance with the Section 6.0 Conclusions & recommendations to the satisfaction of the Director of Environment and Community Services.
- Acid Sulfate Soil Management Plan prepared by Gilbert & Sutherland dated October 2004;
- Flora and Fauna Assessment Plan prepared by James Warren & Associates dated March 2005.

[GEN0005]

3. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

4. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual and Councils adopted Development Design and Construction Specifications, except as may be varied by the conditions of this consent or plans approved by this consent.

[GEN0125]

5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

6. Prior to commencement of work on any stage of this development pursuant to this consent, a Construction Certificate shall be obtained for all civil works within the site, as required by the relevant stage of the development.

[GENNS01]

7. Prior to commencement of any site work the applicant is to obtain a permit under Part 3A of the Rivers & Foreshores Improvement Act 1948.

[GENNS01]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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 based on 1% of the value of the works (minimum \$1,000).

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 the General Manager or his delegate.

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

[PCC0275]

9. In accordance with Section 109F(i) of the Environmental Planning and 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. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC0285]

10. 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:

- (a) Contours and terraces where the height exceeds 1m.
- (b) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
- (c) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- (d) 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.

[PCC0455]

11. All imported fill material shall be from an approved source. Prior to the issue of a construction certificate details of the source of fill, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for approval.

[PCC0465]

12. Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, DCP47 and Councils adopted Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

Please note timber retaining walls are not permitted.

[PCC0475]

13. All fill 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 and approved by the PCA prior to the issue of a construction certificate. Drainage must be installed and operational prior to commencement of any building work.

All fill and cut batters shall be maintained wholly within the subject land. Detailed engineering plans of fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

14. Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.

[PCC0495]

15. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

16. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include engineering plans and specifications for the following required works: -
- (a) All water main infrastructure works within existing road reserves.
 - (b) The section of William Street between Barnby Street and Dorothy Street is to be resurfaced with a skid/slip resistant asphaltic concrete surface. Details of the surface treatment is to be submitted to and approved by Council's Director Engineering and Operations prior to construction.
 - (c) The intersection of Byangum Road and William Street is to be upgraded to provide a westbound right turn lane into William Street. The proposed works shall be provided, in accordance with Austroads Part 5: Intersections but will only require alterations to linemarking & new linemarking to create the right turn lane. Alternatively, Council will accept a cash payment covering the value of the works & Council will undertake such linemarking works.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- (a) Road works/furnishings
- (b) Stormwater drainage
- (c) Water and sewerage works
- (d) Sediment and erosion control plans
- (e) Location of all services/conduits
- (f) Traffic control plan

[PCC0895]

17. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

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

- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

18. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
 - (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
 - (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
 - (d) Specific Requirements to be detailed within the Construction certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.

[PCC1105]

19. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

20. Erosion and Sediment Control shall be provided in accordance with the following:
- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
 - (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

21. Where water is to be drawn from Councils reticulated system, the proponent shall: -
- (a) Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
 - (b) Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.

(c) Payment of relevant fees in accordance with Councils adopted fees and charges.

[PCC1205]

22. DELETED.

22A. DELETED

22B. Prior to the issue of a Subdivision Certificate for Stage 1, the road connection to Joshua Street must be completed. This includes the dedication of the required road reserve at no cost to Council.

This section of road is included in Council's "Tweed Road Contribution Plan" (TRCP) as Item 12n.

Should the applicant wish to construct this section of road prior to Council undertaking the work, the applicant may apply for a credit of the applicable construction costs against the relevant TRCP component of the Section 94 contributions. The maximum value of the credit available is as per the Works Schedule of the TRCP. If the value of the credits exceed the value of the TRCP contribution payable for this development as specified in Condition 106A of this consent, then the applicant can request a carry over credit (on the TRCP component of the Sec.94 charges) to another development within the same TRCP sector of Tweed Shire. The credit granted will be determined by Council based on a detailed cost schedule provided by the developer and other costing data held by Council.

Note that the Sec.94 credit only applies if the road is built to its final form, and detailed design plans must be submitted to and approved by Council prior to construction commencing.

The applicant may seek to construct and dedicate this section of road as a temporary road, but separate approval of Council will be required, and this may affect the value of any TRCP credit, and will affect the timing of the availability of any credit granted.

Such a proposal could be accepted as a temporary measure - only until further development and/or a rezoning proposal is submitted over the residual portion of the site. The design of this road must cater for its use as a bus route, make provision for a cycleway, and provide traffic calming measures to ensure traffic speeds reflect the 50 kph speed limit."

[PCCNS01]

23. DELETED.

23A. The Subdivision Certificate for Stage 3 (Phase 2) will not be issued until satisfactory arrangements have been made with Council regarding construction of the new road connection between Francis Street and Road 2, generally as shown on Plan 7214/6/1-DA FIG 3.

This condition will be deemed to be satisfied upon payment by the applicant to Council of 50% of the construction cost of the above-mentioned road connection. Construction costs shall be fully itemised and based on engineering design plans for a two lane rural road standard of construction. The road shall be designed for use as a bus route, with provisions for a cycleway and traffic control devices to ensure traffic speeds reflect the 50 kph speed limit

[PCCNS01]

24. DELETED

24A Prior to the issue of a Subdivision Certificate for Stage 1, the applicant is required to establish a dedicated road link from Joshua Street to the Stage 1 lots. This will require

construction of the TRCP road link to Joshua Street (as nominated elsewhere in this consent), full road construction of Road 2 fronting the reserves (as nominated elsewhere in this consent), as well as construction of relevant sections of Road 1 and/or Road 3.

25. **DELETED.**

25A. **DELETED**

26. Prior to the issue of a Construction Certificate for each stage of the development, it is to be demonstrated that all lots have compliant driveway locations in accordance with AS2890.

[PCCNS01]

27. The carriageway for Road 4 is to be centrally located within the road reserve unless an alternative alignment is accepted by the General Manager or his delegate prior to the issue of a construction certificate.

[PCCNS01]

28. **DELETED**

28A. Road 2 (Rous River Way) shall be fully constructed to urban road standards and dedicated accordingly, for the full frontage of the Drainage Reserve, both Public Reserves and the sewer pump station, as part of the Stage 1 works.

[PCCNS01]

29. **DELETED**

30. **DELETED**

30A. **DELETED**

30B. The section of Road 3 between Road 2 and Lot 217, when constructed, shall be built to full urban standards and dedicated as public road.

[PCCNS01]

31. **DELETED**

31B. The Stage 2 construction of Road 5 is to terminate at the northern boundary of Lot 228, and will require the provision of a temporary sealed turning bulb area, covered by a Right-of-Carriageway.

[PCCNS01]

32. **DELETED.**

32A. All roads and lots are to be filled to a minimum of RL 5.1m AHD. This is exclusive of roads created as "Temporary public Road", however such roads will need to be raised to the minimum level of RL 5.1m AHD prior to them being dedicated as public road."

[PCCNS01]

33. **DELETED**

33A. Lot 235 (public reserve) shall be filled to a minimum of RL 4.1m AHD, and constructed as part of the Stage 1 works.

[PCCNS01]

34. **DELETED.**

34A. The removal and subsequent reconstruction of access driveways to house numbers 45 and 49 Barnby Street as follows: -

- (a) Provision of a new concrete driveway to Number 45 generally as per Plan 7214/06.
- (b) Provision of a new concrete driveway to Number 49 to come off Road 4, in the vicinity of chainage 40 or relocated to the south of the existing access point on Barnby Street

- (c) Access to both above-mentioned dwellings shall be maintained at all times, even during the construction phase.

[PCCNS01]

35. The geotechnical report by Morrison Geotechnical P/L raises concerns regarding the construction method and stability of deep filling on the site. Three of the four options nominated, utilise pre-loading - which has inherent time lags (6 to 18 months). Filling without pre-loading is acceptable, but with settlement predicted. This requires over-filling. Suitable fill levels for flood marginal lots, as well as allowances in road and stormwater construction and provision of services, must be specifically addressed in any Construction Certificate application.

[PCCNS01]

36. All run-off from adjoining properties is to be captured and diverted into the proposed internal stormwater network. This will require investigation of what is contained within and discharged to the existing 3.05m wide drainage easement along the eastern boundary of the site.

[PCCNS01]

37. **DELETED.**

37A. The sediment pond(s) for Stage 1 and/or a bulk earthworks approval, may be located within the proposed Drainage Reserve area. This is on the proviso that prior to completion of the relevant works, an additional sediment pond(s) shall be constructed so as to ensure adequate treatment of construction site runoff prior to discharge to receiving waters.

[PCCNS01]

38. Prior to the issue of a Construction Certificate for Stage 1, the Bushfire Management Plan prepared by Bushfiresafe Services dated 2 June 2005 shall be revised to comply with the General Terms of Approval imposed by Rural Fire Services. The design and construction of all civil, landscaping and embellishment works shall be completed to comply with the revised plan.

[PCCNS01]

39. The fence proposed for relocation to the property boundary in Frangella Park is to be a timber paling fence consistent with Council's Building Services requirements. An alternative proposal may be submitted for consideration by the Manager, Recreation Services.

[PCCNS01]

40. The pathway providing access to Frangella Park from Road No.1 is to be a minimum of 4.0m wide, and shall include a concrete footpath with turf either side of the path. The slope for the turfed areas must be less than 20%. Design plans for this pathway must be approved by the Manager, Recreation Services.

[PCCNS01]

41. A detailed landscape plan for the public reserve (park) proposed for northwest of Road 2 must be prepared to the satisfaction of the Manager, Recreation Services. This landscape plan will consider integration of the park with the drainage reserve and riparian buffer immediately west of the reserve. The landscape plan should provide for embellishment consistent with DCP 16 (Subdivision Manual) table 4.33b1.

[PCCNS01]

42. **DELETED**

42A. The developer shall embellish the public reserve (Lot 235) and drainage reserve according to the approved landscaping plan. The public reserve shall be filled and levelled with a suitably established grass cover. Further embellishment of the public reserve shall not occur until 30% of the allotments have been occupied. Alternatively, the developer may pay the appropriate financial contribution and Council will undertake the further embellishment works at the appropriate time.

[PCCNS01]

43. Public reserve (riverbank)

- (a) Prior to issue of a Construction Certificate for Stage 1, a vegetation regeneration plan for the public reserve (riverbank) is to be prepared and submitted to Council for

approval by the Manager, Recreation Services. The plan shall incorporate the amelioration measures of the Flora & Fauna Assessment Plan prepared by James Warren and Associates dated March 2005, and must allow for up to three years maintenance. The plan shall be implemented as part of Stage 1 works.

- (b) Access to the public reserve (riverbank) must be provided for maintenance and potential recreation use.

[PCCNS01]

44. **DELETED**

- 44A. Public Reserves, the sewer pump station site and Drainage Reserve shall be constructed and dedicated as part of the Stage 1 works.

[PCCNS01]

45. The Drainage Reserve/Water Quality Pond shall be constructed generally in accordance with Plan DA Figure 13 and the Stormwater Management Plan by Gilbert and Sutherland dated October 2004, and must comply with Council's Development Design Specification D7. Full design details shall be submitted with the construction certificate submission, and are to include;

- (a) A structure at the base of the pond to allow manipulation of water levels to enable control of macrophytic and insect populations, and to facilitate dredging.
(b) The provision of "protection buffers" to stop the mobilisation of sediments within the pond, when inundated during a Q100 year flood event.
(c) A 3m wide, all weather access and maintenance track is to be provided.

[PCCNS01]

46. Existing ground levels at all boundaries of the subject site are to be preserved.

[PCCNS01]

47. Prior to issue of a Construction Certificate for Stage 1 an Acid Sulfate Soils Management Plan shall be submitted and approved where any excavation works are to be undertaken within areas identified within Gilbert & Sutherland's Acid Sulfate Soil Assessment (Section 4 Gilbert & Sutherlands report dated October 2004. The Plan shall specify the construction work detail and appropriate treatment methodology including any dewatering requirements

[PCCNS02]

PRIOR TO COMMENCEMENT OF WORK

48. 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.
(c) WorkCover Regulations 2000

[PCWNS01]

49. **DELETED.**

49A. **DELETED**

- 49B. Prior to issue of a Construction Certificate the applicant is to provide evidence to Council that Lot 115 can achieve a 20m Inner Protection Area while still accommodating a dual occupancy. Failure to satisfy this condition will result in Lot 115 not being a nominated dual occupancy allotment.

[PCCNS02]

50. Prior to commencement of work all actions or prerequisite works required at that stage, as required by other conditions or approved management plans or the like, shall be installed/operated in accordance with those conditions or plans.

[PCW0015]

51. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations. [PCW0125]
52. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least 2 days prior to work commencing. [PCW0225]
53. Subdivision work in accordance with a development consent must not be commenced until:-
- (a) a construction certificate for the subdivision work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 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,
 - (ii) has appointed a Subdivision Works Accredited Certifier in accordance with Development Control Plan No. 16, Appendix C, and
 - (iii) 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. [PCW0815]
54. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier shall be erected and maintained in a prominent position entry to the site in accordance with Councils adopted Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued. [PCW0825]
55. The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period. [PCW0835]
56. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority. In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.
- Please note that this sign is to remain in position for the duration of the project. [PCW0985]
57. The proponent shall notify Councils Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water. [PCW1045]
58. Where necessary, the applicant shall provide documentary evidence that a permit has been issued by the Department of Natural Resources under Part 3A of the Rivers and Foreshores Improvement Act 1948, for works within 40m of a natural watercourse [PCWNS02]

DURING CONSTRUCTION

59. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

60. Construction of rights of carriageway and/or individual battle-axe driveways as necessary, to a concrete/bitumen sealed standard in accordance with the provision of DCP16 - Subdivision Manual and Councils Development Design and Construction Specification.

[DUR0055]

61. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -
Monday to Friday from 7.00am to 7.00pm

Saturday from 7.00am to 1.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

62. 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.

[DUR0215]

63. Any pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring residential areas. Such location is to be to the satisfaction of the General Manager or his delegate.

[DUR0225]

64. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill shall be submitted to the satisfaction of the General Manager or his delegate.
Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[DUR0725]

65. All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

[DUR0745]

66. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.

[DUR0755]

67. No filling to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.

No filling of any description is to be deposited, or remain deposited, within adjacent properties.

[DUR0765]

68. The proposed earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion. [DUR0795]
69. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties. [DUR0805]
70. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited. [DUR0815]
71. All fill and cut batters shall be contained wholly within the subject land. [DUR0825]
72. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council. [DUR0985]
73. 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/Occupation Certificate. [DUR0995]
74. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -
- (a) Noise, water or air pollution
 - (b) Minimise impact from dust during filling operations and also from construction vehicles
 - (c) No material is removed from the site by wind
- [DUR1005]
75. **DELETED.**
- 75A. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be either;
- a) Chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot, or
 - b) Milling of tree logs is permissible, provided that the mill is only a temporary mill used during the relevant stage of construction, and that the mill is only used for timber won from the development site. Should the activity be deemed a noise nuisance, as determined by the Environment & health Services Unit, the activity will cease immediately until rectified. [DUR1015]
76. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development. [DUR1025]
77. 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 1742.3-2202 (Manual of 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.

[DUR1795]

78. 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 Tweed Shire Councils adopted Construction and Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils adopted Design and Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) 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.
- [DUR1805]
79. All proposed road/streets, drainage and associated works within the development shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 - Subdivisions Manual and Development Design and Construction Specifications, except where varied by the conditions of this consent.
- [DUR1815]
80. During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.
- [DUR1825]
81. Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
- [DUR1835]
82. The proponent must not undertake any work within the public road reserve without giving Council's Engineering & Operations Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
- [DUR1845]
83. Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.
- [DUR1855]
84. 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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
85. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.
- [DUR1885]
86. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual 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
- (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.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

87. 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. [DUR1955]
88. The contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times. [DUR2015]
89. The works are to be completed in accordance with Councils Development Control Plans and Design & Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that Council policy and/or good engineering practices are achieved. [DUR2025]
90. 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.
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. [DUR2035]
91. Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means. [DUR2285]

92. Drainage Reserve
- (a) Dedication of the proposed drainage reserve at no cost to Council.
 - (b) An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

[DUR2295]

93. 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 in accordance with Councils adopted Design and Construction Specification.

[DUR2355]

94. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway in accordance with Council adopted Design and Construction Specifications.

[DUR2365]

95. 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.

[DUR2375]

96. The water quality control pond shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

[DUR2385]

97. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

98. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

99. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.

[DUR2425]

100. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

101. All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

[DUR2575]

102. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for Subdivision Certificate to allow the land to be classified.

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.

[DUR2635]

103. **DELETED.**

103A. Implementation of the Stormwater Management Plan by Gilbert and Sutherland dated October 2004 and/or including any amendments subsequently approved by Council.

[DURNS01]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

104. Prior to issue of a subdivision certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[PSC0005]

105. **DELETED.**

105A. **DELETED**

105B. A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 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 1 (41 RESIDENTIAL LOTS)

Water DSP2:	37.4 ET @ \$9997	\$373,888.00
Sewer Murwillumbah:	38 ET @ \$4804	\$182,552.00

STAGE 2 (33 RESIDENTIAL LOTS)

Water DSP2:	33 ET @ \$9997	\$329,901.00
Sewer Murwillumbah:	33 ET @ \$4804	\$158,532.00

STAGE 3 (22 RESIDENTIAL LOTS)

Water DSP2:	22 ET @ \$9997	\$219,934.00
Sewer Murwillumbah:	22 ET @ \$4804	\$105,688.00

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PCC0265/PSC0165]

106. **DELETED**

106B. Section 94 Contributions

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.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.

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 1

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4	\$261,820
b.	Open Space (Structured): S94 Plan No. 5	\$29,640
c.	Street Trees: S94 Plan No. 6	\$11,286.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$26,144
e.	Bus Shelters: S94 Plan No. 12	\$988
f.	Evirion Cemetery/Crematorium Facilities: S94 Plan No. 13	\$4,978
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$7,600
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$75,878.40
i.	Cycleways S94 Plan No. 22	\$13,376
j.	Regional Open Space (Structured) S94 Plan No. 26	\$88,426
k.	Regional Open Space (Casual) S94 Plan No. 26	\$32,490

Stage 2

a.	Tweed Road Contribution Plan:	\$227,370
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	S94 Plan No. 4 (Version 4.0) Sector9_4	
b.	Open Space (Structured): S94 Plan No. 5	\$25,740
c.	Street Trees: S94 Plan No. 6	\$9,801.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$22,748
e.	Bus Shelters: S94 Plan No. 12	\$858
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$4,323
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$6,600
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$65,894.40
i.	Cycleways S94 Plan No. 22	\$11,616
j.	Regional Open Space (Structured) S94 Plan No. 26	\$76,791
k.	Regional Open Space (Casual) S94 Plan No. 26	\$28,215

Stage 3

a.	Tweed Road Contribution Plan: S94 Plan No. 4 (Version 4.0) Sector9_4	\$151,580
b.	Open Space (Structured): S94 Plan No. 5	\$17,160
c.	Street Trees: S94 Plan No. 6	\$6,534.00
d.	Shirewide Library Facilities: S94 Plan No. 11	\$15,136
e.	Bus Shelters: S94 Plan No. 12	\$572
f.	Eviron Cemetery/Crematorium Facilities: S94 Plan No. 13	\$2,882
g.	Emergency Facilities (Surf Lifesaving) S94 Plan No. 16	\$4,400
h.	Extensions to Council Administration Offices & Technical Support Facilities S94 Plan No. 18	\$43,929.60

i.	Cycleways S94 Plan No. 22	\$7,744
j.	Regional Open Space (Structured) S94 Plan No. 26	\$51,194
k.	Regional Open Space (Casual) S94 Plan No. 26	\$18,810

[PCC0215/PSC0175]

107. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction 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.

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:-

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

where:

$\text{\$Con}_{\text{TRCP - Heavy}}$ 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)

$\text{\$Unit}$ 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

[PSC0185]

108. **DELETED**

108A. Pursuant to the provisions of S94 Plan No.5 proposed lot 235 shall be dedicated as passive open space and suitably embellished at no cost to Council in accordance with the approved landscaping plan.

Where a developer pays Council to complete the embellishment, Council will NOT install

the equipment until a minimum of 30% of all lots in the development are occupied. Suitable embellishment shall be completed prior to the issue of a Subdivision Certificate.

[PSC0195]

109. Prior to the issue of a Subdivision Certificate a defect liability 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. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

110. 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 12 months from the date of issue of a Subdivision Certificate, or until all plantings are fully established. The amount of the bond shall be 10% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[PSC0235]

111. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate PRIOR to the issue of a Subdivision Certificate. 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.

[PSC0725]

112. Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of DCP16 - Subdivisions Manual and Councils adopted Design and Construction Specification.

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

- (a) all drainage lines, sewer lines and structures are wholly contained within the drainage easement created by the subdivision;
- (b) 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.

[PSC0735]

113. All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the subdivision certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.

- (a) A restriction to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
- (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.

Tweed Shire Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

[PSC0785]

114. A Subdivision Certificate will not be issued by the General Manager until such time as all conditions of this Development Consent have been complied with.

[PSC0825]

115. 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:
- (a) Easements for sewer, water supply and drainage over ALL services on private property.
 - (b) The creation of Easements for Sewage over all existing sewer lines currently traversing the site, which are not covered by easements

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.

[PSC0835]

116. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

117. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

118. Prior to registration of the plan of subdivision, a Subdivision Certificate shall be obtained. 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 in accordance with the current Fees and Charges applicable at the time of lodgement.
- (b) all detail as tabled within DCP16, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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.

[PSC0885]

119. Prior to the application for a Subdivision Certificate, certification shall be obtained from Council OR an accredited certifier to verify satisfactory completion of the following:-

- (a) Roads
- (b) Water Reticulation
- (c) Sewerage Reticulation
- (d) Sewerage Pump Station
- (e) Drainage

Note:

1. All applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) 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 Councils adopted Design and Construction Specifications.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

120. The six (6) months Defects Liability Period commences upon the registration of the Subdivision Certificate.

[PSC0925]

121. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

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

[PSC1065]

122. Prior to the release of the subdivision certificate the proponent shall:

- (a) Ensure the proposed Drainage Reserve is dedicated to Council at no cost, as part of the plan of subdivision.
- (b) Submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

[PSC1075]

123. Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with DCP16 - Subdivisions Manual, Councils adopted Development Design and Construction Specifications and the Construction Certificate approval.

Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an Accredited Certifier.

[PSC1115]

124. The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.

[PSC1125]

125. The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

[PSC1165]

126. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (b) The reticulation to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

[PSC1185]

127. Item 7.0 of the Morrison Geotechnical report addresses development constraints and nominates numerous areas of unstable ground. These constraints must be re-evaluated subsequent to bulk earthworks being completed and prior to the issue of any Subdivision Certificate. Any relevant nominated development constraints will be imposed as Restrictions on title.

[PSCNS01]

128. The applicant is to advise Council how it is intended to satisfy the post-construction stormwater monitoring requirements as nominated in the Stormwater Management Plan by Gilbert and Sutherland dated October 2004.

[PSCNS01]

129. Prior to the issue of any Subdivision Certificate pursuant to this consent, the applicant must demonstrate that all requirements of the revised Bushfire Management Plan, relevant to the corresponding stage of the subdivision release, have been satisfactorily addressed..

[PSCNS01]

130. A contribution of \$32,000, irrespective of any other Section 94 contribution, is payable by the applicant to Council for increased and ongoing maintenance to part of the adjoining Frangella Park, in accordance with Asset Protection Zone requirements.
- This contribution is to be paid prior to issue of the Subdivision Certificate for Stage 1.
- This contribution will remain fixed for a period of 12 months from the date of this consent, and thereafter may be varied in accordance with revised rates as deemed applicable by Council, at the time of lodgement of the Subdivision Certificate application.

[PSCNS02]

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. The proposed roads shall comply with Section 4.3.1 of Planning for Bushfire Protection 2001, except for the requirement for a 20 metre road reserve.
2. The location of fire hydrants shall comply with the distances detailed in Section 6.4.3 of Planning for Bushfire Protection 2001. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
3. **DELETED**
- 3A. Where achievable there shall be a minimum of 20 metres from future dwellings on Lots 112-119 (previously shown on plan as 115-122) to the reserve to the south west which shall be maintained as an Inner Protection Area (IPA) as outlined within Section 4.2.2(b) in Planning for Bushfire Protection 2001. If it is demonstrated that 20 metres is not achievable within the property boundaries, the RFS will consider the provision of a 15 metre IPA and a 1.8 metre high radiant heat shield. These lots shall not be duplex blocks unless the minimum 20 metres IPA can be provided. This is in recognition of the current management of the reserve and the limited extent of vegetation within the reserve.
4. A Bush Fire Management Plan shall be prepared for the proposed public and drainage reserves that are to be established as part of the proposal. This Plan shall address the following requirements:
 - Contact person / department and details of responsibilities for maintenance.
 - Schedule & description of works for the construction of Asset Protection Zones and their continued maintenance.
 - Management strategies, proposed schedule and description of works of any remnant bushland within the property boundary.

Note to Council: This assessment is based on the area identified as cultivated land and grazing paddocks being maintained. If these areas are left unmanaged, then a 20 metre IPA will be required for future dwellings on lots adjoining these areas.

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The application was determined on: **17 July 2006**

The consent to lapse 5 years from the date this consent becomes operative unless commenced prior to that date.

RIGHT OF APPEAL

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

Signed on behalf of the Tweed Shire Council

Garry Smith, Manager Development Assessment
17 July 2006