

**AMENDED CONSENT ISSUED 26/10/2006**

**NOTICE NO. 88/640  
(PF5980/200)**

**THE COUNCIL OF THE SHIRE OF TWEED**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

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

To: Mr SJ Connelly  
Planners North Pty Ltd  
82 Ballina Street  
**LENNOX HEAD NSW 2478**

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **88/640** relating to land described as -

Pt Portion 43, Parish of Mooball (being Lot 1 DP 779817) & Land Contained in DP 408970  
Wooyung Road  
Wooyung 2483

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

**THE CONSTRUCTION OF A TOURIST RESORT**

The Development Application has been determined by the granting of consent subject to the conditions set out in this notice.

The conditions of consent are as follows -

1. The provision of adequate vehicle access. All necessary road upgrading work is to be carried out to the satisfaction of the Shire Engineer, plans and details to be submitted for approval of the Shire Engineer prior to release of approved building plans. Such work to include the following -
  - a. Construction of a road realignment as designed by Council to eliminate the right angle bend of the Coast Road adjacent to the Wooyung Motel.
  - b. Construction of Railway Bridge and upgrading of adjacent intersection with State Highway No. 10 or alternative realignment under the Railway south of the present junction.
  - c. Construction of the junction of Jones Road and Wooyung Road to provide Type 'C' right turn and Type 'B' left turn.
  - d. Reconstruction of alignment of Wooyung Road from Crabbes Creek Bridge to Railway Bridge at existing substandard locations.

- e. Contribution towards upgrading of Coast Road through village of Pottsville.
2. The provision of a total of 631 parking spaces (including 12 coach bays) in accordance with the submitted plans and to the satisfaction of Council's Chief Town Planner. With exception of the overflow car park all spaces are to be sealed, marked and drained in accordance with Council's Code for Off Street Car Parking.
  3. Compliance with all requirements of the Traffic Authority of New South Wales (Regional Advisory Committee) as notified in their letter of 16 December, 1988 (see copy attached).
  4. Landscaping of the site to be carried out in accordance with the submitted plans to the satisfaction of Council's Chief Town Planner. A detailed landscaping plan for internal amenity landscaping work, ie. about the built up core area of the site, to be submitted as part of the Building Application and to be approved by Council's Chief Town Planner prior to release of approved building plans.
  5. This approval does not include consent to any of those matters specified in State Environmental Planning Policy No. 26 - Littoral Rainforests as requiring consent. The areas of littoral rainforest identified in State Environmental Planning Policy No. 26 and those additional areas identified in the Statement of Environmental Effects accompanying the application, to be protected and managed in accordance with the strategy outlined in Section 4 of the report.
  6. The wetlands areas denoted by the zoning Environmental Protection (Wetlands) 7(a) in the Tweed Local Environmental Plan 1987, and those additional areas identified in the Statement of Environmental Effects accompanying the application, to be protected and managed in accordance with the strategy outlined in Section 4 of the report.
  7. The Wooyung Beach dunal system and generally all land seaward of the 100 year erosion impact line (as identified in the Coastal Erosion Report Tweed Shire prepared by the Public Works Department) to be protected and managed in accordance with the strategy outlined in Section 4 of the report comprising the Statement of Environmental Effects accompanying the development application. In particular, attention to be given to the following matters -
    - i. All pedestrian access to the beach to be confined to one access only. Such to be generally in the location shown on drawing number 5.3A prepared by Anderson Street Architects. The applicant to consult with Council's Engineering Department and to submit specific plans to be approved by the Shire Engineer for the proposed boardwalk structure prior to the release of approved building plans.
  8. All of the areas identified in 4, 5 and 6 above to be suitably protected throughout the construction phase of the development and specific details in that regard to be submitted for approval by Council's Chief Town Planner prior to release of approved construction plans for excavation work.

9. The applicant to consult with the Soil Conservation Service and to comply with all requirements of the Service prior to the commencement of any earthworks on the site.
10. The maximum depth of the proposed lake not to exceed 3 metres. The overall surface dimensions and lake boundaries to be generally in accordance with drawing number Figure 5 prepared by Anderson Street Architects. If the proposed lake depth is to exceed 3 metres then a further application is to be submitted for Council's approval, such to include full details of any necessary destratification techniques to ensure satisfactory water quality.
11. All material dredged from the proposed lake to be used for earthworks solely on the land which is the subject of this application.
12. The areas surrounding the proposed dredge site to be physically protected to the satisfaction of the Shire Engineer throughout the construction phase of the lake. Dredging operations to be carried out strictly in accordance with the method outlined in Section 5.2.4 of the report comprising the Statement of Environmental Effects accompanying the development application.
13. Compliance with all requirements of the State Pollution Control Commission and the obtaining of necessary approvals from the Commission prior to the commencement of any earthworks on the site.
14. All fill to be retained and drained to the satisfaction of the Shire Engineer. Specific plan details to be submitted with the Building Application, and approved by the Shire Engineer prior to the release of approved building plans.
15. Management of lake water quality to be undertaken in accordance with the recommendations in Section 3.4 of the "Flooding and Water Quality Investigations" report prepared by Winders, Barlow & Morrison Pty Ltd and dated July 1988.
16. The applicant to implement a program for quarterly testing of the lake water to monitor its quality. The applicant to consult with the Shire Engineer/Chief Town Planner regarding proposed arrangements for the testing program and agreement to be reached in respect thereof prior to release of approved building plans.
17. The habitable floor level of all buildings to be at a level of not less than RL 3.60 metres AHD. Vehicle access including internal access roads to be flood free at or above the 100 year flood level of RL 3.30 metres AHD.
18. All materials used below the 100 year flood level of RL 3.30 metres AHD not to be susceptible to water damage.
19. Subject to the requirements of Northern Rivers Electricity, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible, be located above the design flood level. All electrical wiring installed below the design flood level should be suitably treated to withstand continuous submergence in water.

20. Provision to be made for the passage of flood flows across and around the development in accordance with the recommendations contained in Section 2.7 of the "Flood and Water Quality Investigations" report prepared by Winders, Barlow & Morrison Pty Ltd and dated July 1988.
21. Specific Engineering details of the proposed lake to be submitted as part of the Building Application and to be approved by the Shire Engineer prior to release of approved buildings and/or prior to commencement of any earthworks on the site.
22. Full details of the proposed sewerage treatment plant to be submitted as part of the building application. Such to be approved by the Shire Engineer and Chief Health & Building Surveyor prior to the release of approved building plans. The applicant to comply with all requirements of the State Pollution Control Commission in respect of the proposed plant.
23. The extension of a reticulated water supply to the development at the applicant's full cost.
24. The payment of applicable water headworks charges. The charges are fixed in Council's 1988 list of Fees & Charges as follows -  
  
\$580 per unit x 300 = \$174,000  
  
These charges to remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
25. Site drainage to the satisfaction of Council's Shire Engineer. Detailed plans to be submitted with Building Application and to be approved by Shire Engineer prior to the release of approved building plans.
26. Compliance with all requirements of Council's Health and Building Department, including the submission of a Building Application in accordance with the Local Government Act and Ordinance 70. The applicant to note that the following matters require attention in the preparation of working drawings -
  - i. Safety fencing of all swimming pools.
  - ii. Consultation with Council's Health and Building Department regarding the correct fire rating of all proposed buildings.
27. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated with the subject property.
28. No advertising signs or structures to be erected without Council's prior approval.
29. Consolidation of all separate parcels of land into one lot and under one title prior to any use or occupation of the development pursuant to this approval.
30. **DELETED**

30A. Substage 1A - Excavation of the lake and construction of the three islands.

Substage 1B - Construction of all buildings, car parking, infrastructure and other ancillary components comprised in the development consent.

31. Acid Sulfate Soils

An acid sulfate soils management plan is to be submitted to Council and approved by the General Manager or his delegate prior to commencement of earthworks on the site, such approval not to be unreasonably withheld. The plan is to be prepared by a suitably qualified and experienced person.

32. Bushfire

A bushfire safety authority is to be obtained from the NSW Rural Fire Service prior to issue of construction certificate for any buildings.

33. Groundwater

An updated groundwater report is to be submitted to Council and the Department of Natural Resources and approved by the General Manager or his delegate in the case of Council and the Department of Natural Resources prior to commencement of earthworks on the site, such approvals not to be unreasonably withheld. The report shall include consideration of off-site impacts with particular reference to the impacts on acid sulfate soils. The report is to be prepared by a suitably qualified and experienced person.

34. Flooding

An updated flooding report addressing the following flood impacts is to be submitted to Council and approved by the General Manager or his delegate prior to commencement of earthworks on the site, such approval not to be unreasonably withheld. The report is to be prepared by a suitably qualified and experienced person and to include:

- Flooding impacts on the proposed development
- The impact of the development on flooding behaviour in the locality including North Ocean Shores and cane lands at Wooyung
- The impact on adjacent properties
- Evacuation plans for the development

35. Land Contamination

A land contamination report is to be submitted to Council and approved by the General Manager or his delegate prior to commencement of earthworks, such approval not to be unreasonably withheld. The report is to be in accordance with Council's adopted Contaminated Lands Policy and prepared by a suitably qualified and experienced person.

36. On site Effluent Management

An adequate on site sewage management design and siting report is to be submitted to Council and approved by the General Manager or his delegate prior to the issue of a construction certificate for any buildings, such approval not to be unreasonably withheld. The report is to be prepared by a suitably qualified and experienced person.

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.

Dated **22ND** day of **DECEMBER, 1988**

**J. S. NIXON**  
**SHIRE CLERK**

(N.B. Refer to Notes attached to this Notice)

per .....