

"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 12 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 95 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 95 of the Regulations as amended.

- A. The applicant is to negotiate with the NSW Office of Environment & Heritage to determine the required offsets for loss of significant native vegetation as a result of the proposed subdivision and its associated earthworks. Once negotiations are complete to the satisfaction of the NSW Office of Environment & Heritage and the Department of Planning & Infrastructure the extent of offsets is to be documented and management plans for the land secured.
- B. The applicant must provide details and commentary that the internal road network is adequate to allow garbage and recycling collection vehicles to access the proposed allotments and service all properties in a forward drive direction only (i.e. no reversing of waste vehicle). Details to include a commitment from Council's current waste collections contractor that they have the ability to service all properties in the proposed subdivision acknowledging the steep grades at this site.
- C. The applicant must submit amended subdivision and earthworks plans to demonstrate:
- i) A 0.8ML reservoir in the highest location (90m AHD) on this site to provide peak hour demand to the total area.
 - ii) The removal of internal retaining walls within Stages 1, 2, 8 and 9;
 - iii) The reconfigured Park at Lot 820 to ensure compliance with the open space requirements as contained within Tweed DCP Section A5 Subdivision Manual ;
 - iv) The relocated Lot 701 to ensure the road frontage adjoins the public reserve area;
 - v) The deletion of Stage 11 to keep the access to Fraser Drive as a permanent secondary access point to assist compliance with Tweed DCP Section B24 in regards to maintaining public views and communal open space areas;
 - vi) Reconfigured allotment shapes to ensure all lots are standard in size and shape;
 - vii) Revised subdivision layout to ensure a variety of housing typologies;
 - viii) Retaining Wall Layout plan SK 3617(E) to show the retaining walls along road frontages as follows: Road 5 ch.10.27 to ch.40 fronting Lot 440; Road 9 ch.220 fronting Lot 816.
 - xi) The applicant is invited to explore footpath crossfall variation allowances, for that section of footpath area within 1.1m of the property boundary, as notated on TSC standard drawings SD001 and SD002: *"Tweed Shire Council may consider steeper crossfalls in this zone where topographical constraints exist"*. This may

have a beneficial effect on landforming compatibility and bulk earthworks volumes.

[GENNS03]

- x) Road Hierarchy Plan SK 3628(D) to be amended as follows:
- For consistency with Council's standards and specifications, the 'Collector Road' description should be changed to 'Neighbourhood Connector'.
 - Delete the second 'Collector Street' category with the 16m wide road, and transfer the road in that category (part Road 1) to the 17m Access Street category.
 - Alter 'Collector Street' description to 'Access Street'
 - Road 10 is to be altered to a 17m wide Access Street.
 - Delete the 16m Access Street category and transfer all roads under that category to the 14.5m Access Street category.

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. The development shall be completed in accordance with the Preferred Project Report prepared by Darryl Anderson Consulting and dated April 2013, except where varied by the conditions of this consent.
[GEN0005]
2. Vegetation removal and associated works within the identified Freshwater Wetland Endangered Ecological Community are restricted to an area of 0.11ha being that area identified as Detention Bund at Fig 17 of the Revised Ecological Assessment (JWA April 2013).
[GEN0005]
3. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.
[GEN0045]
4. The subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.
[GEN0125]
5. Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.
[GEN0135]
6. The development is to be carried out in accordance with Councils Development Design and Construction Specifications.
[GEN0265]

7. Council prefers to have standardised 3m x 3m corner truncations in the local street network as nominated in TSC specification D1 - Road Design - Section D1.17.14 & 15, instead of the rounded corners as depicted in this application. The applicant is requested to implement this request, to improve design compliance issues especially with regard to reticulated sewer infrastructure.

[GENNS01]

8. Prior to the export of any soils from the site the results of soil testing for potential contaminants shall be provided to the satisfaction of the General Manager or his delegate which demonstrate that the soils are suitable for the proposed use or receiving site.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. A site audit statement (SAS) completed by a NSW EPA / (DECC) accredited site auditor in accordance with the Contaminated Land Management Act 1997, is to be submitted prior to the release of the construction certificate. The SAS is to certify that the land is suitable for the proposed land use. Conditions imposed on the SAS shall form part of this consent. Where the SAS conditions, if applicable, are not consistent with this consent, a Section 96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required to ensure the conditions form part of the consent conditions.

[PCC0505]

10. The Developer shall enter into a Voluntary Planning Agreement (VPA) with Council for the payment of monetary contributions towards the provision of (but not limited to) the following:

- Road infrastructure;
- Casual and structured open space;
- Flood mitigation infrastructure;
- Acquisition of Lot 227 DP 755740;
- Wetland restoration and management in accordance with a Council endorsed Wetland Restoration Plan; and
- Habitat restoration and management in accordance with a Council endorsed Habitat Restoration Plan,

for the Terranora Area E Land Release Area, prior to the issue of the first construction certificate. All monetary contributions required under the Voluntary Planning Agreement shall be paid to Council to correspond with the Stage(s) being released, prior to the issue of each Subdivision Certificate for the development, or as otherwise specified in the VPA.

NOTE: The contributions applicable under the Voluntary Planning Agreement are in addition to those Section 64 and Section 94 contributions statutorily applicable as listed separately in this consent.

11. Prior to issue of a construction certificate the applicant is amend their application in regard to water supply in accordance with the following provisions:

Development Design Specification D11 specifies that a developer is to provide a water supply system, sourced from Council's preferred connection point that will deliver design peak hourly demand at a minimum 20m head to each allotment.

The following design conditions are required to be met by the developer, as part of the Stage 1 works - unless noted otherwise:

- a) Provide adequate reservoir storage and mains of adequate size to deliver the flow at peak hour rate.
- b) Provide a 0.8ML reservoir in the highest location (90m AHD) on this site to provide peak hour demand to the total area.
- c) Provide a booster pump for high level zones above 55m AHD including a gravity bypass for fire flows - as required for individual Stages of the development.
- d) Maximum pressure in the reticulation mains should not exceed 78m head.
- e) Provide PRV's for low areas less than 20m AHD - as required for individual Stages of the development.
- f) All reticulation areas to be serviced by PRV installations are to be designed to minimise the number of PRV installations across the area.
- g) All lots must receive gravity flow from the Reservoir to ensure a fire fighting appliance can extract water from the adjacent main.

[PCCNS01]

12. Prior to issue of a construction certificate the applicant is amend their application in regard to sewer supply in accordance with the following provisions:

- a) The developer will provide a Regional SPS 3027 as per Councils' requirements to accept flows from the remaining portions of Area E, SPS 3033 Henry Lawson Drive (Terranora Village) and future flows from the existing un-sewered areas of Parkes Lane and Market Parade, as part of the Stage 1 works.
- b) Council agrees to pay the marginal cost of increasing the capacity of the proposed Regional SPS 3027 within the Altitude Aspire development to accept flows from the remaining portions of Area E, SPS 3033 Henry Lawson Drive and future flows from the existing un-sewered areas of Parkes Lane and Market Parade.
- c) Council will arrange to construct a 375mm SRM (stage 1) from SPS 3018 Fraser Drive to Banora Point WWTP funded from s64 Contributions.
- d) Council agrees to pay the marginal cost of increasing any gravity sewers within Altitude aspire to serve the existing un-sewered areas of Parkes Lane and Market Parade.
- e) Council agrees to pay the full cost of any additional extension of gravity sewer within Altitude Aspire which is required to connect the existing un-sewered areas of Parkes Lane and Market Parade - at the time of construction of the relevant Stages adjoining those areas.
- f) Council agrees to pay for changes required at SPS 3033 Henry Lawson Drive to allow it to pump to the proposed regional SPS 3027 within the Altitude Aspire development.

- g) The developer will pay for any alterations to the existing SRM 3033 to allow appropriate connections to and from the proposed regional SPS 3027 within the Altitude Aspire development.
 - h) The developer will pay for pumps at proposed regional SPS 3027 within the Altitude Aspire development to cater for its own load, plus the load from SPS 3033 Henry Lawson Drive estimated to be approximately 70L/s.
 - i) The developer will pay for the pumping, electrical and telemetry control system upgrades and provide backup power generation at the downstream SPS 3018 Fraser Drive to accept the additional flows from the proposed regional SPS 3027 within the Altitude Aspire development. The estimated upgraded flow of this station is approximately 140 L/s.
- [PCCNS02]
13. Should any further contaminated land site investigation or remediation works be required prior to the issue of the site auditor statement validating the site then all such works shall be completed prior to the issue of the construction certificate to the satisfaction of the Site Auditor. Where remediation works are undertaken a detailed report outlining these works shall be provided to Council prior to issue of the construction certificate.
 14. The phasing of bulk earthworks as depicted on the "Ultimate Earthworks Phasing Plan" (Bradlees Consulting Drawing Number SK 3562 Revision D) shall be amended to include in Phase 1, as a minimum, the works in Stage 5 necessary to form the road extension of Market Parade (Road 2), in order for these road works to be undertaken as part of Stage 4 civil works.
 15. Construction of the extension of Market Parade (Road 2) shall occur no later than the Stage 4 civil works.
 16. Boundary retaining walls and batters shall be constructed with a minimum boundary setback of 0.9m in accordance with clause D6.05.6(c) of Development Design Specification D6 - Site Regrading.
 17. Four bus parking bays shall be provided on Road 2 in the general locations indicated on Figure 6.3 of the Revised Transport Assessment (Bitzios Consulting, Version 004). The bays are to be designed to be positioned parallel to the kerb, and the parking area should be made long enough to adequately cater for a 12.5m bus to enter and exit the bay.
 18. A 1.2m wide concrete footpath is to be constructed from the proposed pathway between Lots 128 and 129 of the Development along Fraser Drive and Glen Ayr Drive to the existing bus shelter on Kintyre Crescent, as part of Stage 1. Appropriate pedestrian crossing facilities to RMS guidelines are to be installed on Fraser Drive linking to the footpath.
 19. Bus parking bays shall be provided north bound and south bound on Fraser Drive within close proximity to Glen Ayr Drive and be accessed by the extended pedestrian pathway required by the previous condition. The bays are to be designed to be positioned parallel to the kerb, and the parking area should be made long enough to adequately cater for a 12.5m bus to enter and exit the bay.
 20. The design of stormwater quality control devices shall be in accordance with Council's Development Design Specification D7 - Stormwater Quality and Water Sensitive Urban

Design Technical Design Guidelines for South East Queensland (Healthy Waterways). The construction certificate application for stormwater quality facilities in the central open drainage precinct shall provide the following detailed design amendments:

- i. Basin A - Provide outlet details;
 - ii. Basin B - Provide staging details of outlet works to a lawful point of discharge in accordance with bulk earthworks phasing;
 - iii. Basin C - Consider deletion given small contributing catchment;
 - iv. Provide details of high flow bypasses for each basin;
 - v. Provide inlet designs that reduce inflow velocities and avoids scour of basin media;
 - vi. Provide maintenance accesses to all basins to the satisfaction of Council;
21. Detailed design of the central open drainage channel shall be in accordance with the requirements of Development Design Specification D5 - Stormwater Drainage Design, clauses D5.12 and D5.13, and address public safety and maintenance concerns to the satisfaction of Council, based on predicted velocity x depth products in this trunk drain.
 22. Prior to the issuing of a Construction Certificate, the proponent is to secure an agreement with Essential Energy for the relocation of the transmission line easement from the conservation area to the Broadwater Parkway corridor. Upon securing of the above agreement, the Vegetation Management Rehabilitation Plan is to be revised to incorporate the rehabilitation of the area currently subject to the easement.
 23. Prior to the issuing of a Construction Certificate the Biting Insect Management Plan is to be revised in consultation with the Council Pest Management Unit and to the satisfaction of Council to (1) include clear and measurable actions and targets for management of biting insects within the PPR site and (2) identify and address the required management of the SEPP 14 wetland such that commitment to and funding for biting insect management is made until such time as lands are under the control of Council.
 24. The Vegetation Management & Rehabilitation Plan is to commence upon Project Approval and continue to be implemented by the proponent until the performance targets are met and until such time that an agreement has been reached with Council for the dedication of the lands to which the plan applies. Prior to Issue of a Construction Certificate the Vegetation Management and Rehabilitation Plan is to be revised to incorporate the above comments.
- [PCCNS03]
25. A detailed landscape plan prepared by a qualified landscape architect must be submitted for all Public Reserves and roads to be dedicated to Council, including but not limited to areas of casual open space, structured open space, cycleways, pedestrian walkways and streetscapes. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and include embellishments such as listed in Councils Subdivision Manual (Section A5 of the Tweed Development Control Plan) and Development Design Specification (D14) and related Standard Drawings and include grassing, landscaping, seating, park activation areas, playground equipment and shade cover. The plans must provide slope information, indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

The plans must also specifically address the following issues:

- a) The developer shall consider the open space recommendations of the Area E Urban Release Development Code in revising the open space proposals for this site. Advice shall be provided on which recommendations have been addressed, which cannot be addressed, and how the Altitude Aspire development can integrate with the remainder of the Area E site to achieve the Development Code recommendations.
 - b) The landscape plans for Lot 712 shall consider options for incorporating a 'youth precinct' or similar into the design. Such an area could be similar to a 'modified half court basketball area with skate and seating elements'.
 - c) Through design, link Lot 451 with the adjoining public land, and address the vision and objectives of the Area E Urban Release Development Code: Section 2.7 Design Principle 5: Open Space.
 - d) Regarding Lots 610 and 611, walking paths are acceptable through the drainage reserve, and there are benefits to dual use of this land. The proposed embellishment includes paths, a boardwalk, 2 shelter sheds including a 'public picnic node and viewing area', turfed areas and extensive planting. The size of the timber bridge/boardwalk is not shown, and it's not clear what the viewing area offers. It is essential that the design and construction of the embellishments minimise maintenance costs - for example the embellishments to be constructed out of recycled plastic wherever possible, and any timber that is unavoidable is to be painted rather than stained.

The turf area and shelter shed is quite remote from the street and will raise some safety and social issues. Advice is sort from the landscape designers about how this can be minimised.
 - e) Lot 927 has some amenity benefit but no recreation value in this area. It is simply a widened road reserve and will be managed as with other road reserves in the shire. This "lot" is to be dedicated as public road.
 - f) Regarding Lot 820, This park needs to be revised to improve its functionality - particularly in terms of size, buffer areas, slope and potential view opportunities having regard to both Tweed DCP Section A5 Subdivision Manual and Tweed DCP Section B24 Area E.
26. Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009). Appendix 3 of this establishes a procedure for assessing nearby hazards and mitigation measures. New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.
27. The plants listed in the landscape plans (not the areas subject to vegetation rehabilitation) are to include no noxious or environmental weed species, and have a minimum 80% of total plant numbers being local native species.
28. Species selection for revegetation works within the Conservation Area is to be guided by the Revised Vegetation Management & Rehabilitation Plan (JWA 2013) planting list rather than the Landscape Plan.
29. Prior to the issuing of a Construction Certificate, a demolition and construction waste

management plan is to be provided to Council. The Waste management plan is to include:

- a. Demolition
 - i. The volume and type of waste generated during demolition.
 - ii. The methods of storage of material on site. A site plan should be included.
 - iii. How recyclable materials will be separated, managed, and where the materials will be sent for recycling.
 - iv. The location and methods of disposal of all residual waste.
 - v. The licensed transporter of the waste.
- b. Construction
 - i. The type of waste generated during construction.
 - ii. The method and location of waste storage on site.
 - iii. How any recyclable materials will be managed.
 - iv. The location of the disposal facility for residual waste.

[PCCNS04]

30. **Prior** to the issue of any Construction Certificate by Council, 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 as set out in Council's fees and charges at the time of payment.

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 relevant Subdivision Certificate is issued.

[PCC0275]

31. 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]

32. 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, Tweed Shire Council Development Control Plan Part A1 and Councils Development 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]

33. 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. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land.

[PCC0485]

34. 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]

35. Prior to the issue of a construction certificate, documentary evidence shall be submitted to Tweed Shire Council demonstrating that a Controlled Activity Approval (CAA) under the Water Management Act 2000 has been obtained for works within 40m of waterfront land (as defined under the Water Management Act 2000) or any works that involve an aquifer interference activity as defined under the Water Management Act 2000.

[PCC0575]

36. A Traffic Control Plan in accordance with AS1742 and the latest version of the RTA publication "Traffic Control at Work Sites" shall be prepared by an RTA accredited person and shall be submitted to the Principal Certifying Authority prior to issue of any relevant Construction Certificate. Safe public access shall be provided at all times.

[PCC0865]

37. The proponent shall submit plans and specifications with any application for construction certificate for civil works, including but not limited to bulk earthworks, roadworks, any associated subsurface overland flow and piped stormwater drainage structures and associated systems, reticulated water supply and sewer infrastructure and associated works, electrical and telecommunication services etc, to facilitate the orderly construction of the subdivision as approved by this consent. All works shall be designed in accordance with Councils Development Design and Construction specifications and cover all Stages of the proposed development.

The following matters must also be addressed by the relevant construction certificate(s);

- (a) The termination treatment of Road 13 is not considered acceptable and a turn-around provision is considered necessary, Acceptable options in this scenario include a cul-de-sac bulb, 'Y' or 'T' road head formations or similar options as approved by Council.
- (b) Carriageway widening is to be provided on small radius corners as follows: 0.5m widening where the radius is between 20m and 30m; 1.0m widening where the radius is less than 20m.
- (c) Kerb return radii shall comply with TSC Development Design Specification D1 - Road Design, with specific reference to Sections D1.17.8, D1.17.9 and D1.17.15.
- (d) Steep road gradients will create design compliance problems, especially with regard to intersection design. In this regard the applicant's attention is directed to TSC Road Design specification D1, particularly Section D1.10.

- (e) Road batters and individual lot accessibility concerns are still prevalent, particularly with numerous locations along Roads 1, 2, 3, 5, 10, 11, 12 and 13. Access to lots wherever gradients exceed 25% (equivalent to 1:4 batters or approx. 15°) coming from the road, will need to be specifically addressed in all relevant construction certificate applications and demonstrate how satisfactory lot access will be achieved.

Further to this matter, the steep batters extending into adjoining Lot 1 DP 175234 are to be densely landscaped. Details are to be provided as part of the landscaping plans and advised to the adjoining property owner for their concurrence prior to implementation.

- (f) The applicant is required to assess the need for traffic calming devices / features against the requirements of TSC Road Design specification D1.08 with particular reference to Table D1.1. Particular attention is required to Roads 2 and 5, however all roads are to be scrutinised.
- (g) Any construction certificate involving bulk earthworks shall require specific geotechnical assessment and recommendations for the most appropriate method(s) of undertaking the intended earthworks in areas of landslip or poor soils.
- (h) All construction certificate applications shall include a detailed Stormwater Management Plan to cover the construction and occupational phases of the development site, summarising all relevant stormwater quality and quantity requirements as nominated by other conditions of this consent.

Matters that are to be included shall cover but not be limited to;

- All biofiltration basins are to be dedicated to Council as Drainage Reserves.
- Construction of biofiltration basins to the appropriate standard to cater for each Stage of the development as necessary.
- Timing for the conversion of individual basins from sediment basins to biofiltration basins, including timing for dedication requirements.
- Timing for physical completion, not necessarily dedication, of the biofiltration basins - ie: completion of construction for full functional use shall be dependent on 80% development of the contributing catchment. This incorporates dwelling construction.

Such physical completion will not correspond to the issuing of subdivision certificates relevant to each basin, and appropriate bond security will need to be provided to Council at the time of issuing relevant subdivision certificates to ensure subsequent timely completion of the basins.

- Maintenance responsibility for these basins will remain with the developer until they are fully constructed and have satisfactorily passed a (minimum) 6 month Maintenance and Establishment Period. This time frame is only a minimum guideline, as depending on the plant species used, the establishment period for some plant species may extend beyond 6 months to verify satisfactory establishment.
- (i) Individual lot sewer junction connection points to the reticulated sewer system are not to come directly from sewer manholes.

38. 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 undertaken in accordance with Councils Development Design and Construction Specifications.

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

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic control plan

NOTE: Where Council is requested to issue a construction certificate for civil works, any associated works within existing road reserves will be covered by that construction certificate and accordingly, a separate application under Section 138 of the Roads Act will not be necessary.

39. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

40. Prior to the issue of a **Construction Certificate** for civil works, the following detail in accordance with Council's Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four copies of detailed engineering plans and specifications, prepared in accordance with Development Design Specification D13 - particularly Section D13.09. The detailed plans shall include but are not limited to the following:
- earthworks
 - roadworks/furnishings
 - stormwater drainage
 - water supply works
 - sewerage works
 - landscaping works
 - sedimentation and erosion management plans
 - location of all service conduits (water, sewer, electricity supply and telecommunication infrastructure), as well as details and locations of any

significant electrical servicing infrastructure - such as transformers and substations

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]

41. Permanent stormwater quality treatment shall be provided in accordance with the following:
- (a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development 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.
 - (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.
 - (ii) The close proximity of inlet and outlet structures for Basin D, and to a lesser extent Basin B, will need to be either justified or revised to ensure appropriate dispersion of inflows will occur.

[PCC1105]

42. 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.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

43. 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".
- (c) Particular attention is required to interface treatment of bulk earthworks between Phases, as well as between subdivision release Stages.

[PCC1155]

44. Where water is to be drawn from Councils reticulated system, the proponent shall:
- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
 - Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
 - Payment of relevant fees in accordance with Councils adopted fees and charges.

[PCC1205]

PRIOR TO COMMENCEMENT OF WORK

45. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

[PCW0005]

46. **Prior** to the commencement of works, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place 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

[PCW0025]

47. All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken 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 the issue of the relevant Subdivision Certificate.

[PCW0375]

48. Prior to start of works the PCA is to be provided with a certificate of adequacy of

design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by Geotechnical assessment of the founding material.

[PCW0745]

49. Dilapidation reports detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and driveways / roads are to be prepared and certified by a suitably qualified and experienced structural engineer. The reports are to be submitted to Council prior to commencement of ANY works on the site covered by a construction certificate for bulk earthworks OR where the construction certificate works adjoin existing buildings or infrastructure.

[PCW0775]

50. Civil work in accordance with a development consent must not be commenced until:
- (a) a Construction Certificate for the civil work has been issued in accordance with Councils Development 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 (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 - Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:
 - C4: Accredited Certifier - Stormwater management facilities construction compliance
 - C6: Accredited Certifier - Subdivision road and drainage construction compliance

The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works, and

 - (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
 - (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, 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 civil work.

Note: For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with National Professional Engineers Register (NPER) registration.

[PCW0815]

51. 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]

52. 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. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

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.

This sign is to remain in position for the duration of the project.

[PCW0985]

53. A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis during construction works. Details of the contact person and telephone number shall be clearly displayed at the site entry. Details of the contact person and telephone number shall be locally advertised a minimum of fourteen (14) days prior to the commencement of works and local, directly affected residents notified by means of an individual letter box drop to each household.

[PCWNS01]

DURING CONSTRUCTION

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

[DUR0005]

55. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974.

[DUR0025]

56. Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

Monday to Saturday from 7.00am to 6.00pm

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]

57. 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.

$L_{Aeq, 15 \text{ min}}$ 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.

$L_{Aeq, 15 \text{ min}}$ 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]

58. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

59. 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]

60. During filling operations,

- No filling is 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.
- All fill and cut batters shall be contained wholly within the subject land.
- All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Design and Construction Specifications and to the satisfaction of the Principal Certifying Authority.

and upon completion,

- All topsoil to be respread and the site to be grassed and landscaped including battered areas.

[DUR0755]

61. Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks 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]

62. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

63. No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

[DUR0985]

64. 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]

65. All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

66. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

67. 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 (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]

68. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.

- (a) That the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2.
- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils 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]

69. 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]

70. During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
- (a) That the pavement layers have been compacted in accordance with Councils Development 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]
71. 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]
72. 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]
73. 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 Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
- [DUR1875]
74. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are 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, cycleways - formwork/reinforcement
- (h) Final Practical Inspection - 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 Practical Inspection - on maintenance
- (i) Off maintenance

Sewer Pump Station and Lift Stations

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

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- (a) Earthworks and filter media
- (b) Structural components
- (c) Operational establishment
- (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".

The fee for the abovementioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

[DUR1895]

75. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993, if relevant. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR1925]

76. 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. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.

[DUR1955]

77. The developer/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]

78. The works are to be completed in accordance with Tweed Shire Councils Development Control Plan, Part A5 - Subdivision Manual 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]

79. The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

[DUR2035]

80. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

[DUR2185]

81. 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]

82. Drainage Reserve

- (a) The proposed drainage reserve is to be dedicated to Council at no cost.
(b) An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgment of Application for Subdivision Certificate (form 13) to allow the land to be classified.

[DUR2295]

83. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the water quality monitoring being carried out on the site.

[DUR2315]

84. 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 Development Design and Construction Specifications.

[DUR2355]

85. 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]

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

[DUR2445]

87. 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]

88. 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.

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]

89. 60 days prior to lodgment of Application for Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Sports Fields, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land, as detailed in the Local Government Act 1993.

[DURNS01]

90. *Habitat restoration works* are required to be undertaken by a person qualified in Bushland Regeneration or Ecological Restoration and with knowledge and experience in local vegetation community (eg. wetlands, rainforest, sclerophyll forest) for areas of environmental rehabilitation works and for proposed planting areas.
91. An appropriately qualified Environmental Officer must be engaged by the Proponent for the duration of works. Their role shall be to oversee environmental compliance of the project until conditions have been satisfied.
92. All works shall be completed in accordance with the Acid Sulfate Soil Assessment and Management Plan Altitude Aspire, Terranora, Gilbert & Sutherland, April 2012 (10849-ASSA&MP) to the satisfaction of the General Manager or his delegate. All works associated with disturbances of materials identified in this Management Plan and related water quality monitoring shall be supervised or conducted by an appropriately

qualified environmental consultant.

93. Intercepted groundwater and surface water runoff from acid sulphate treatment areas shall be directed to the on-site stormwater treatment basins prior to release from the site.
94. Prior to release of any surface or groundwater (associated with identified acid sulphate soil treatment and management areas) from on site water treatment basins water quality monitoring shall be conducted to ensure that identified water quality release criteria under the adopted Acid Sulfate Soil Assessment and Management Plan have been complied with. All monitoring results shall be retained on site and provided to an authorised Council officer upon request.
95. Should any failure be identified in relation to identified discharge water quality objectives then works shall cease until such time as a dewatering management plan has been submitted to the satisfaction of the General Manager or his delegate. All works shall comply with the approved plan.
96. All water discharged from the site during the construction phase shall comply with the pH range 5 to 8.5.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

[PSC0005]

98. 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.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of 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.

Please note the following contributions are in addition to those contributions applicable under the Voluntary Planning Agreement.

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

Stage 1

Water DSP3:	34.8 ET @ \$12575 per ET	\$437,610
Sewer Banora:	36 ET @ \$6042 per ET	\$217,512

Stage 2

Water DSP3:	41 ET @ \$12575 per ET	\$515,575
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Sewer Banora: 41 ET @ \$6042 per ET	\$247,722
Stage 3	
Water DSP3: 11 ET @ \$12575 per ET	\$138,325
Sewer Banora: 11 ET @ \$6042 per ET	\$66,462
Stage 4	
Water DSP3: 50 ET @ \$12575 per ET	\$628,750
Sewer Banora: 50 ET @ \$6042 per ET	\$302,100
Stage 5	
Water DSP3: 24 ET @ \$12575 per ET	\$301,800
Sewer Banora: 24 ET @ \$6042 per ET	\$145,008
Stage 6	
Water DSP3: 9 ET @ \$12575 per ET	\$113,175
Sewer Banora: 9 ET @ \$6042 per ET	\$54,378
Stage 7	
Water DSP3: 11 ET @ \$12575 per ET	\$138,325
Sewer Banora: 11 ET @ \$6042 per ET	\$66,462
Stage 8	
Water DSP3: 40 ET @ \$12575 per ET	\$503,000
Sewer Banora: 40 ET @ \$6042 per ET	\$241,680
Stage 9	
Water DSP3: 26 ET @ \$12575 per ET	\$326,950
Sewer Banora: 26 ET @ \$6042 per ET	\$157,092
Stage 10	
Water DSP3: 0 ET @ \$12575 per ET	Nil
Sewer Banora: 0 ET @ \$6042 per ET	Nil
Stage 11	
Water DSP3: 7 ET @ \$12575 per ET	\$88,025
Sewer Banora: 7 ET @ \$6042 per ET	\$42,294

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.

99. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of 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 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 include indexation provided for in the S94 Plan and 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.

Please note the following contributions are in addition to those contributions applicable under the Voluntary Planning Agreement.

Stage 1

(a) Tweed Road Contribution Plan:

182 Trips @ \$2059 per Trips \$374,738
(\$1988 base rate + \$71 indexation)
S94 Plan No. 4
Sector5_4

(b) Shirewide Library Facilities:

28 ET @ \$838 per ET \$23,464
(\$792 base rate + \$46 indexation)
S94 Plan No. 11

(c) Bus Shelters:

28 ET @ \$64 per ET \$1,792
(\$60 base rate + \$4 indexation)
S94 Plan No. 12

(d) Eviron Cemetery:

28 ET @ \$123 per ET \$3,444
(\$101 base rate + \$22 indexation)
S94 Plan No. 13

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|-----|---|-------------|
| (e) | Community Facilities (Tweed Coast - North)
28 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$38,892 |
| (f) | Extensions to Council Administration Offices
& Technical Support Facilities
28 ET @ \$1860.31 per ET
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$52,088.68 |
| (g) | Cycleways:
28 ET @ \$473 per ET
(\$447 base rate + \$26 indexation)
S94 Plan No. 22 | \$13,244 |
| (h) | Regional Open Space (Casual)
28 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$30,548 |
| (i) | Regional Open Space (Structured):
28 ET @ \$3830 per ET
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26 | \$107,240 |

Stage 2

- | | | |
|-----|--|-----------|
| (a) | Tweed Road Contribution Plan:
266.5 Trips @ \$2059 per Trips
(\$1988 base rate + \$71 indexation)
S94 Plan No. 4
Sector5_4 | \$548,724 |
| (b) | Shirewide Library Facilities:
41 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$34,358 |
| (c) | Bus Shelters:
41 ET @ \$64 per ET
(\$60 base rate + \$4 indexation)
S94 Plan No. 12 | \$2,624 |

- (d) Eviron Cemetery:
 41 ET @ \$123 per ET \$5,043
 (\$101 base rate + \$22 indexation)
 S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
 41 ET @ \$1389 per ET \$56,949
 (\$1305.6 base rate + \$83.4 indexation)
 S94 Plan No. 15
- (f) Extensions to Council Administration Offices
 & Technical Support Facilities
 41 ET @ \$1860.31 per ET \$76,272.71
 (\$1759.9 base rate + \$100.41 indexation)
 S94 Plan No. 18
- (g) Cycleways:
 41 ET @ \$473 per ET \$19,393
 (\$447 base rate + \$26 indexation)
 S94 Plan No. 22
- (h) Regional Open Space (Casual)
 41 ET @ \$1091 per ET \$44,731
 (\$1031 base rate + \$60 indexation)
 S94 Plan No. 26
- (i) Regional Open Space (Structured):
 41 ET @ \$3830 per ET \$157,030
 (\$3619 base rate + \$211 indexation)
 S94 Plan No. 26

Stage 3

- (a) Tweed Road Contribution Plan:
 71.5 Trips @ \$2059 per Trips \$147,219
 (\$1988 base rate + \$71 indexation)
 S94 Plan No. 4
 Sector5_4
- (b) Shirewide Library Facilities:
 11 ET @ \$838 per ET \$9,218
 (\$792 base rate + \$46 indexation)
 S94 Plan No. 11

- (c) Bus Shelters:
 11 ET @ \$64 per ET \$704
 (\$60 base rate + \$4 indexation)
 S94 Plan No. 12
- (d) Eviron Cemetery:
 11 ET @ \$123 per ET \$1,353
 (\$101 base rate + \$22 indexation)
 S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
 11 ET @ \$1389 per ET \$15,279
 (\$1305.6 base rate + \$83.4 indexation)
 S94 Plan No. 15
- (f) Extensions to Council Administration Offices
 & Technical Support Facilities
 11 ET @ \$1860.31 per ET \$20,463.41
 (\$1759.9 base rate + \$100.41 indexation)
 S94 Plan No. 18
- (g) Cycleways:
 11 ET @ \$473 per ET \$5,203
 (\$447 base rate + \$26 indexation)
 S94 Plan No. 22
- (h) Regional Open Space (Casual)
 11 ET @ \$1091 per ET \$12,001
 (\$1031 base rate + \$60 indexation)
 S94 Plan No. 26
- (i) Regional Open Space (Structured):
 11 ET @ \$3830 per ET \$42,130
 (\$3619 base rate + \$211 indexation)
 S94 Plan No. 26

Stage 4

- (a) Tweed Road Contribution Plan:
 325 Trips @ \$2059 per Trips \$669,175
 (\$1988 base rate + \$71 indexation)
 S94 Plan No. 4
 Sector5_4

- | | | |
|-----|---|-------------|
| (b) | Shirewide Library Facilities:
50 ET @ \$838 per ET
(\$792 base rate + \$46 indexation)
S94 Plan No. 11 | \$41,900 |
| (c) | Bus Shelters:
50 ET @ \$64 per ET
(\$60 base rate + \$4 indexation)
S94 Plan No. 12 | \$3,200 |
| (d) | Eviron Cemetery:
50 ET @ \$123 per ET
(\$101 base rate + \$22 indexation)
S94 Plan No. 13 | \$6,150 |
| (e) | Community Facilities (Tweed Coast - North)
50 ET @ \$1389 per ET
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15 | \$69,450 |
| (f) | Extensions to Council Administration Offices
& Technical Support Facilities
50 ET @ \$1860.31 per ET
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18 | \$93,015.50 |
| (g) | Cycleways:
50 ET @ \$473 per ET
(\$447 base rate + \$26 indexation)
S94 Plan No. 22 | \$23,650 |
| (h) | Regional Open Space (Casual)
50 ET @ \$1091 per ET
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26 | \$54,550 |
| (i) | Regional Open Space (Structured):
50 ET @ \$3830 per ET
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26 | \$191,500 |

Stage 5

- (a) Tweed Road Contribution Plan:

156 Trips @ \$2059 per Trips (\$1988 base rate + \$71 indexation) S94 Plan No. 4 Sector5_4	\$321,204
(b) Shirewide Library Facilities: 24 ET @ \$838 per ET (\$792 base rate + \$46 indexation) S94 Plan No. 11	\$20,112
(c) Bus Shelters: 24 ET @ \$64 per ET (\$60 base rate + \$4 indexation) S94 Plan No. 12	\$1,536
(d) Eviron Cemetery: 24 ET @ \$123 per ET (\$101 base rate + \$22 indexation) S94 Plan No. 13	\$2,952
(e) Community Facilities (Tweed Coast - North) 24 ET @ \$1389 per ET (\$1305.6 base rate + \$83.4 indexation) S94 Plan No. 15	\$33,336
(f) Extensions to Council Administration Offices & Technical Support Facilities 24 ET @ \$1860.31 per ET (\$1759.9 base rate + \$100.41 indexation) S94 Plan No. 18	\$44,647.44
(g) Cycleways: 24 ET @ \$473 per ET (\$447 base rate + \$26 indexation) S94 Plan No. 22	\$11,352
(h) Regional Open Space (Casual) 24 ET @ \$1091 per ET (\$1031 base rate + \$60 indexation) S94 Plan No. 26	\$26,184
(i) Regional Open Space (Structured): 24 ET @ \$3830 per ET	\$91,920

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

Stage 6

(a) Tweed Road Contribution Plan:

58.5 Trips @ \$2059 per Trips \$120,452

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5_4

(b) Shirewide Library Facilities:

9 ET @ \$838 per ET \$7,542

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

(c) Bus Shelters:

9 ET @ \$64 per ET \$576

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

(d) Eviron Cemetery:

9 ET @ \$123 per ET \$1,107

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

(e) Community Facilities (Tweed Coast - North)

9 ET @ \$1389 per ET \$12,501

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

(f) Extensions to Council Administration Offices

& Technical Support Facilities

9 ET @ \$1860.31 per ET \$16,742.79

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

(g) Cycleways:

9 ET @ \$473 per ET \$4,257

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

(h) Regional Open Space (Casual)

9 ET @ \$1091 per ET \$9,819

- (\$1031 base rate + \$60 indexation)
S94 Plan No. 26
- (i) Regional Open Space (Structured):
9 ET @ \$3830 per ET \$34,470
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 7

- (a) Tweed Road Contribution Plan:
71.5 Trips @ \$2059 per Trips \$147,219
(\$1988 base rate + \$71 indexation)
S94 Plan No. 4
Sector5_4
- (b) Shirewide Library Facilities:
11 ET @ \$838 per ET \$9,218
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
11 ET @ \$64 per ET \$704
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
11 ET @ \$123 per ET \$1,353
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
11 ET @ \$1389 per ET \$15,279
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15
- (f) Extensions to Council Administration Offices
& Technical Support Facilities
11 ET @ \$1860.31 per ET \$20,463.41
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18
- (g) Cycleways:
11 ET @ \$473 per ET \$5,203

- (\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (h) Regional Open Space (Casual)
11 ET @ \$1091 per ET \$12,001
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26
- (i) Regional Open Space (Structured):
11 ET @ \$3830 per ET \$42,130
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 8

- (a) Tweed Road Contribution Plan:
260 Trips @ \$2059 per Trips \$535,340
(\$1988 base rate + \$71 indexation)
S94 Plan No. 4
Sector5_4
- (b) Shirewide Library Facilities:
40 ET @ \$838 per ET \$33,520
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
40 ET @ \$64 per ET \$2,560
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
40 ET @ \$123 per ET \$4,920
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
40 ET @ \$1389 per ET \$55,560
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15
- (f) Extensions to Council Administration Offices
& Technical Support Facilities
40 ET @ \$1860.31 per ET \$74,412.40

- (\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18
- (g) Cycleways:
40 ET @ \$473 per ET \$18,920
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (h) Regional Open Space (Casual)
40 ET @ \$1091 per ET \$43,640
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26
- (i) Regional Open Space (Structured):
40 ET @ \$3830 per ET \$153,200
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26

Stage 9

- (a) Tweed Road Contribution Plan:
169 Trips @ \$2059 per Trips \$347,971
(\$1988 base rate + \$71 indexation)
S94 Plan No. 4
Sector5_4
- (b) Shirewide Library Facilities:
26 ET @ \$838 per ET \$21,788
(\$792 base rate + \$46 indexation)
S94 Plan No. 11
- (c) Bus Shelters:
26 ET @ \$64 per ET \$1,664
(\$60 base rate + \$4 indexation)
S94 Plan No. 12
- (d) Eviron Cemetery:
26 ET @ \$123 per ET \$3,198
(\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
26 ET @ \$1389 per ET \$36,114
(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15	
(f) Extensions to Council Administration Offices & Technical Support Facilities	
26 ET @ \$1860.31 per ET	\$48,368.06
(\$1759.9 base rate + \$100.41 indexation)	
S94 Plan No. 18	
(g) Cycleways:	
26 ET @ \$473 per ET	\$12,298
(\$447 base rate + \$26 indexation)	
S94 Plan No. 22	
(h) Regional Open Space (Casual)	
26 ET @ \$1091 per ET	\$28,366
(\$1031 base rate + \$60 indexation)	
S94 Plan No. 26	
(i) Regional Open Space (Structured):	
26 ET @ \$3830 per ET	\$99,580
(\$3619 base rate + \$211 indexation)	
S94 Plan No. 26	

Stage 10 Not Applicable

Stage 11

(a) Tweed Road Contribution Plan:	
45.5 Trips @ \$2059 per Trips	\$93,685
(\$1988 base rate + \$71 indexation)	
S94 Plan No. 4	
Sector5_4	
(b) Shirewide Library Facilities:	
7 ET @ \$838 per ET	\$5,866
(\$792 base rate + \$46 indexation)	
S94 Plan No. 11	
(c) Bus Shelters:	
7 ET @ \$64 per ET	\$448
(\$60 base rate + \$4 indexation)	
S94 Plan No. 12	
(d) Eviron Cemetery:	
7 ET @ \$123 per ET	\$861

- (\$101 base rate + \$22 indexation)
S94 Plan No. 13
- (e) Community Facilities (Tweed Coast - North)
7 ET @ \$1389 per ET \$9,723
(\$1305.6 base rate + \$83.4 indexation)
S94 Plan No. 15
- (f) Extensions to Council Administration Offices
& Technical Support Facilities
7 ET @ \$1860.31 per ET \$13,022.17
(\$1759.9 base rate + \$100.41 indexation)
S94 Plan No. 18
- (g) Cycleways:
7 ET @ \$473 per ET \$3,311
(\$447 base rate + \$26 indexation)
S94 Plan No. 22
- (h) Regional Open Space (Casual)
7 ET @ \$1091 per ET \$7,637
(\$1031 base rate + \$60 indexation)
S94 Plan No. 26
- (i) Regional Open Space (Structured):
7 ET @ \$3830 per ET \$26,810
(\$3619 base rate + \$211 indexation)
S94 Plan No. 26

[POC0395/PSC0175]

100. Section 94 Contributions

Payment of the following contributions for each relevant stage pursuant to Section 94 of the Environmental Planning and Assessment 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.

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 5 prior to the issue of the subdivision certificate. 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 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

[PSC0185]

101. 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 public infrastructure works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

102. Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

[PSC0225]

103. Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by the Developers Subdivision Works Accredited Certifier (SWAC) or equivalent, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes.

The submission shall include copies of all undertaken test results.

[PSC0395]

104. 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]

105. Prior to the issue of a **Subdivision Certificate**, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's Development Control Plan Part A5 - Subdivision Manual and Council's Development Design Specification, D13 - Engineering Plans.

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

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant 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 (WAX) plans.

[PSC0735]

106. All retaining walls in excess of 1.2m 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]

107. Upon completion of all works on the site pertaining to individual construction certificates and prior to the issue of any relevant corresponding Subdivision Certificate, a further dilapidation report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and roads. The dilapidation reports shall take into consideration the findings of the original reports and provide to Council the written acceptance of the adjoining/adjacent owners confirming agreement that no damages have occurred/repairs carried out are acceptable.

[PSC0795]

108. 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]

109. Prior to the issue of any Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the PCA, confirming that the subject development complies with the Rural Fire Service's General Terms of Approval

imposed under Section 100B of the Rural Fires Act 1997 on the consent - where relevant.

[PSC0830]

110. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (a) Easements for sewer, water supply and drainage over **ALL** public services/infrastructure on private property.
 - (b) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006 "Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
 - (c) Extinguishment of superfluous Right Of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public, but are now no longer required.
 - (d) A Restriction As To User requiring the provision of a minimum capacity 5kL rainwater tank for all single dwelling allotments, in accordance with the requirements of Council.
 - (e) A Restriction As To User over Lots 810, 811, 827 and 828 requiring the provision and construction of a designated off-street parking space, in conjunction with the construction of any dwelling on the site.
 - (f) The following Restriction on Title is to be imposed on all residential lots created that are adjacent to Fraser Drive:

Future dwellings on noise affected lots identified in the Acoustic Report (Lots 122-136 and Lots 201-207 and Lots 301-303 and Lots 1102-1107) prepared by TTM (ttm ref: 11GCA0048 RO1_7) dated April 2013 are to be designed in accordance with the procedures of Australian Standard AS3671:1998 'Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction' to achieve the internal sound levels outlined in SEPP (Infrastructure) 2007 - Regulation 102 which are reproduced in Section 4.2 of the TTM report. Purchasers of noise affected lots will be responsible for obtaining an Acoustic Assessment from an Acoustic Consultant and shall construct their dwellings in accordance with the recommendations contained in the assessment report.
 - (g) Creation of an appropriate easement over the existing sewer rising main that currently traverses the northern portion of the site.

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.

Privately owned infrastructure on community land may be subject to the creation of

statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

[PSC0835]

111. Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots. In accordance with clause 60 of the Surveying and Spatial Information Regulation 2012 the Plan of Subdivision (Deposited Plan) shall show the approved street address for each new lot in the deposited plan.

[PSC0845]

112. 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]

113. 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 Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 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]

114. 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, where applicable:-

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

Note:

1. All compliance certificate 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, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development 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]

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

[PSC0925]

116. Prior to issue of any Subdivision Certificate a Community Management Statement is to be submitted to and approved by Council, that addresses the relevant Stage of the development being released, and that Stage's relationship in context with the overall Community Titled development.

The statement must also provide a Utility Services Plan, showing works as executed (WAE), within any Community Lot being created.

[PSC1005]

117. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

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

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

[PSC1065]

118. Prior to the release of the relevant subdivision certificate the proponent shall:

- (a) Dedicate the proposed drainage reserve at no cost to Council.
- (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]

119. 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 conditions of consent, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval(s).

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]

120. 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 relevant plan of subdivision.

[PSC1125]

121. The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of all allotments being created, has been completed.

122. Electricity

- (a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
- (b) The reticulation includes 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.

Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.

Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.

[PSC1185]

123. Proposed Public Reserve Lot 610 is to be created and dedicated as a Drainage Reserve.

[PSCNS01]

124. Prior to the release of a Subdivision Certificate for each stage of the project, all Public Reserves shall be dedicated to Council and suitably embellished at no cost to Council in accordance with the approved detailed landscape plans

The exception to this is playground equipment and softfall. Council will undertake the installation when 20% or more of the relevant stage's allotments are occupied. The developer must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and a bank guarantee or cash contribution equivalent to the value of such items.

125. The developer is to undertake care and maintenance operations on all streetscapes, casual open space and structured open space for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.

126. A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of any Subdivision Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

127. Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be

submitted for all landscaped casual and active open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.

The plans are to be certified by a registered surveyor or consulting engineer. Two categories of WAX plans are to be provided:

- a) The original approved plan with any variation to this indicated.
- b) Plan showing only the actual as constructed information,

The plans are to be submitted in the following formats:

- a) 2 paper copies of the same scale and format as the approved plan.
- b) A PDF version on CD or an approved medium.

An electronic copy in DWG or DXF format on CD or an approved medium.

[PSCNS02]