

Appendix M

Council Documents

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

COUNCIL MEETING DATE:	WEDNESDAY 6 NOVEMBER 2002
FILE REFERENCE:	Fraser Drive; Champagne Drive; R2140 Pt2; R1020
AUTHOR:	Turnbull
UNIT & DIVISION:	Design/ENGINEERING
TASKED TO:	DES

RESOLUTION:

447 Cr Boyd Cr Luff	35. Proposed Closure & Purchase of Unformed Public Road - Champagne Drive, Tweed Heads South
	Fraser Drive; Champagne Drive; R2140 Pt2; R1020
	RESOLVED that 1. Council raises no objection to the closure of an unnecessary unformed public road within Lot 9 in DP 1039569, shown hatched on the following plan; 2. Council acquires a strip of 10 metres along the road frontage of Lot 9 along Fraser Drive for road widening; 3. The applicants bear all legal and survey costs; 4. Easements are created where necessary over any existing public authority services; 5. All necessary documentation be endorsed and executed under Common Seal of Council

35. ORIGIN: Design Unit

FILE REF: Fraser Drive; Champagne Drive; R2140 Pt2; R1020

REPORT TITLE:

Proposed Closure & Purchase of Unformed Public Road - Champagne Drive, Tweed Heads South

SUMMARY OF REPORT:

An application has been received from B & P Surveys to close an unnecessary unformed public road within Lot 9 in DP 1039569 at Tweed Heads South.

It is the developer's intention to close that part of Champagne Drive, shown hatched on the attached plan, to incorporate it into further subdivision of Lot 9. The surveyors have indicated that a new access will be provided to Fraser Drive within the proposed subdivision.

Proposed road widening of Fraser Drive requires that at the Fraser Drive end of Champagne Drive a 10 metre strip will remain as public road and will form part of the road widening along the entire length of the road frontage of Lot 9.

RECOMMENDATION:

That

1. Council raises no objection to the closure of an unnecessary unformed public road within Lot 9 in DP 1039569, shown hatched on the following plan;
2. Council acquires a strip of 10 metres along the road frontage of Lot 9 along Fraser Drive for road widening;
3. The applicants bear all legal and survey costs;
4. Easements are created where necessary over any existing public authority services;
5. All necessary documentation be endorsed and executed under Common Seal of Council

REPORT:

An application has been received from B & P Surveys to close an unnecessary unformed public road within Lot 9 in DP 1039569 at Tweed Heads South.

The subject road is an unformed public road located on a thickly vegetated steep slope running east to west. Originally Champagne Drive was to form part of the roads network within the development at Tweed Heads South, providing access to Fraser Drive for the southerly end of the estate.

It is now the developer's intention to close that part of Champagne Drive, shown hatched on the attached plan, to incorporate it into further subdivision of Lot 9. The surveyors have indicated that a new access will be provided to Fraser Drive within the proposed subdivision.

Proposed road widening of Fraser Drive requires that at the Fraser Drive end of Champagne Drive a 10 metre strip will remain as public road and will form part of the road widening along the entire length of the road frontage of Lot 9.

It is Council's intention to negotiate an exchange of the closure for a dedication of a 10 metre strip of road widening along the boundary of Lot 9 facing Fraser Drive, shown on the attached plan by a broken line. The developers have indicated to Council that they accept the exchange should it be approved by Council.

The part of the subject road to be closed is unformed public road and under section 38(2) of the Roads Act, 1993 compensation is payable to the Crown. However, part of Champagne Drive has been formed and is used as public road.

The Department of Land and Water Conservation have advised that because part of Champagne Drive has been formed it is now a public road vested in Council and the proceeds of any closure and sale will be payable to Council and it is on this basis that Council has negotiated the exchange for the road widening.

[illegible]

Our Ref. GF02 H254
Your Ref: GR3/12/7 Pt 2
Contact: Wayne McIntyre
Phone. (02) 6640 2059

Department of Lands

Land Administration & Management
Property & Spatial Information



The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

CHAMPAGNE DR
ROAD CLOSURE - TERRANORA

TWEED SHIRE COUNCIL	
FILE No	GR3/12/7 Pt 2
DOCUMENT No	1
REC'D	- 8 OCT 2003
BOX No	
ASSIGNED TO	TURNBULL N
HARD COPY	☒
IMAGE	☐

Crown Lands NSW
Level 1, 76 Victoria Street
Locked Bag 10
GRAFTON 2460
telephone (02) 6640 2059
facsimile (02) 6640 2035
www.lands.nsw.gov.au

Attention: Mrs Nela Turnbull.

Dear Nela,

RE: Proposed road closure – Part of Champagne Drive at Tweed Heads

The proposal to close the public road shown by green edge on the attached diagram "A" was advertised in the Tweed "Daily News" on Saturday, 16 August 2003 and no objections of other submissions were received. The closing of that road has now been approved by this Department.

The road shown by green edge is considered to comprise a constructed Council public road for the purposes of Section 38 to the Roads Act 1993. On closing the land will remain vested in Council as 'Operational Land'.

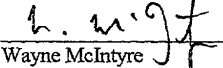
If Council wishes closing of the road to proceed, please now arrange for the preparation of a plan of the area suitable for lodgement and registration at Land and Property Information (LPI), Sydney. (Note: The heading of the plan should read "PLAN OF PART OF CHAMPAGNE DRIVE FOR TITLE ISSUE AND ROAD CLOSING UNDER THE ROADS ACT 1993" and the Signatures, Seals and Statements panel of the plan should contain a statement such as "Lot ... , public road proposed to be closed". Should a Subdivision Certificate from Council not be required, then the Subdivision Certificate panel on the plan should be ruled through and the following note inserted in the Signatures, Seals and Statements panel of the plan "THE PLAN IS EXEMPT FROM SUBDIVISION CERTIFICATE UNDER SECTION 23G(b) OF THE CONVEYANCING ACT 1919").

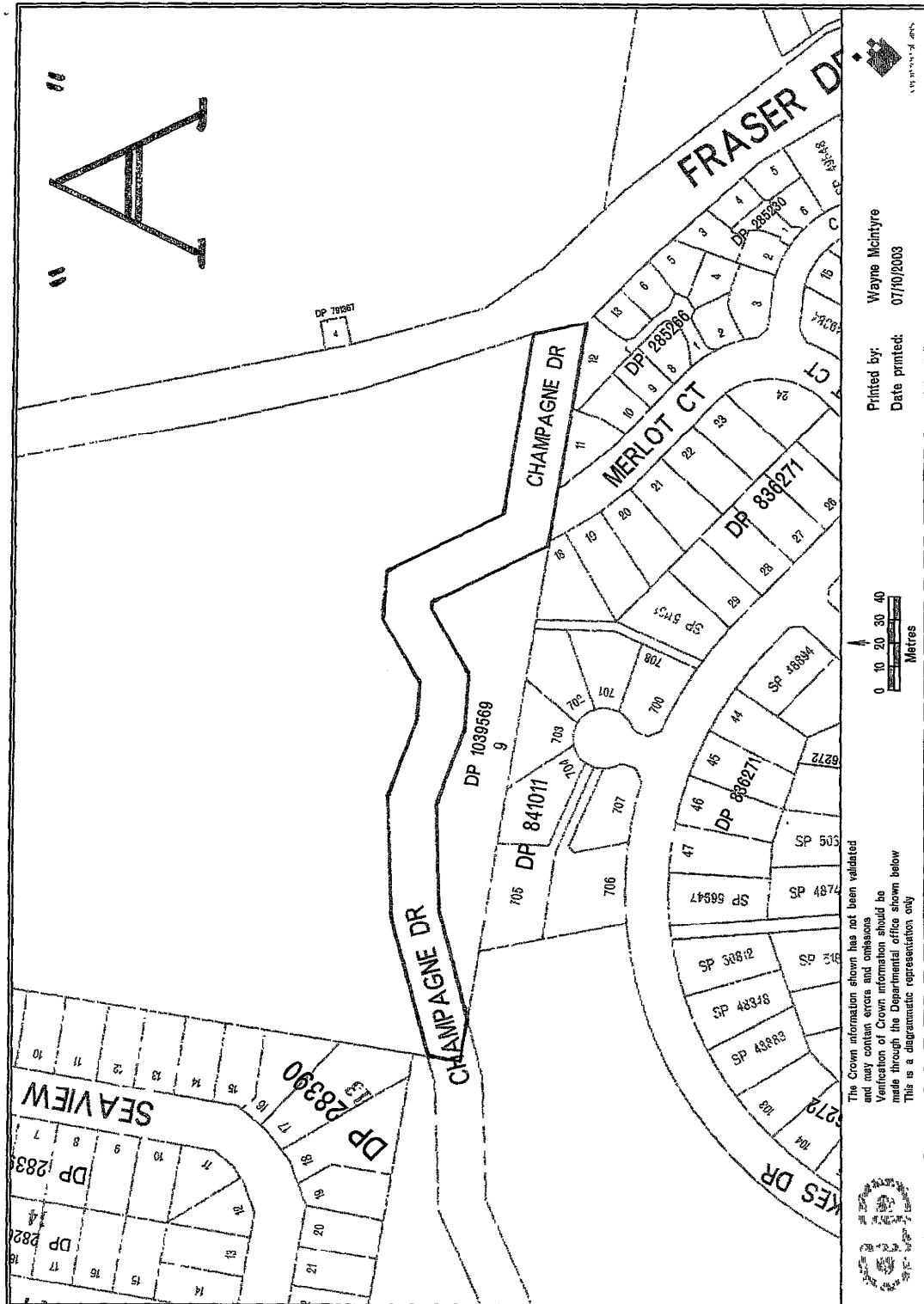
Any plan which defines a road closure requires Crown Lands Office Approval prior to lodgement for registration. When available, the linen plan defining the road closure should be provided to this Office to enable the endorsement of Crown Lands Office Approval in the panel set-aside for that purpose. Upon the endorsement of Crown Lands Office Approval, the linen plan will be returned to Council together with Form CL45-31 which provides details for LPI to enable title creation. Council should then attend to registration of the plan and forward a copy of the **registered** plan, when available, to this Office so that closing of the road may be notified in the Government Gazette. Please also note that LPI places great importance in the correct identification of the titling system. Upon lodgement of the plan, panel "E" of the Plan Lodgement Form must identify the title of the land comprised within the road.



Should you require any further information in regards to this matter, please contact me on the above phone number

Yours sincerely,

 7/10/2003.
Wayne McIntyre
Crown Land Access
GRAFTON





**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref: GR3/12/7 Pt 2 - DW 968434
Your Ref No: T14246 PAW:nmr
For Enquiries
Please Contact: Mrs Nela Turnbull
Telephone Direct (02) 6670 2574

L17Z06

18 November 2003

B & P Surveys
Consulting Surveyors
PO Box 327
TWEED HEADS NSW 2485

BY FACSIMILE: 07 5536 3701

Dear Sirs

Proposed Road Closure - Champagne Drive, Tweed Heads South

Council refers to your letter of 5 November, 2003 and advises that to enable Council to transfer the land to your client, it is necessary for the land to be vested in Council as "operational" pursuant to the provisions of the *Local Government Act, 1993*.

Council confirms that upon dedication of the 10 metre wide strip, being the easterly boundary of Lot 9 in DP 1039569 of Fraser Drive, the closed road will be transferred to Greenview Developments Pty Ltd, excepting a length of 10 metres where the closed road meets Fraser Drive, so that it will form part of the 10 metre wide strip to be dedicated for road widening.

Yours faithfully

Ian Munro
Manager
DESIGN



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02)6670 2400 FAX: (02)6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 498
www.tweed.nsw.gov.au



**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref:

GR3/12/6 Pt 4; DA02/0837; DW1505795

[eltr]

Your Ref No:

06072.070321

For Enquiries
Please Contact:

Mrs Nela Turnbull

Telephone Direct

(02) 6670 2574

L30B10

2 May 2007

PMM Sydney Pty Ltd
GPO Box 4401
SYDNEY NSW 2001



Dear Sirs

Fraser Drive, Tweed Heads South

Council refers to your letter of 21 March 2007, and apologises for the delay in our reply, due largely to Council ascertaining its position regarding your request.

At its meeting held on 6 November 2002, Council resolved to approve the closure of part of Champagne Drive in exchange for the dedication of road widening of Fraser Drive, being a ten metre strip along the eastern boundary of Lot 9 in DP 1039569.

It is to be noted that Council's approval for the road closure is subject to the road widening being effected.

We note that the proposal you have forwarded to Council seeking Council's consent as landowner provides the road widening as required, together with the inclusion of the area of Champagne Drive proposed to be closed. In this regard, Council provides its consent as landowner, as the current owner in fee simple of that part of Champagne Drive shown in plan 20934-5c, to the lodgement of the application for subdivision of Lot 9 in DP 1039569.

It is suggested that the plan of road closure be prepared as a matter of urgency to enable the title for the closed road to be issued, and then the title can be transferred to the landowner.

Yours faithfully

**Mike Rayner
General Manager**



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TELEPHONE: (02)6670 2400 FAX: (02)6670 2429

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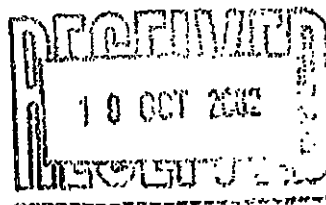


Please Quote
Council Ref: DA02/0837

Your Ref No:

For Enquiries
Please Contact: Ruth Ormella

Telephone Direct (02) 6670 2451



43313

[DAConsent]

4 October 2002

Greenview Developments Pty Limited
C/- Martin Findlater & Associates Pty Ltd
PO Box 216
MURWILLUMBAH NSW 2484

Dear Sir/Madam,

Development Application DA02/0837 - filling of land for future development at Lot 9 DP 1039569, Lot 2 DP 1000385, No. 43 Fraser Drive Tweed Heads South

I refer to your Development Application regarding the above, and advise that at Council's Meeting held Wednesday, 2 October 2002 it was resolved to grant "Deferred Commencement" consent in relation to the application. Please find enclosed herewith Development Consent No. DA02/0837.

The conditions imposed pursuant to Section 80(3) of the Act provide that the consent shall not operate until the applicant has satisfied the matters set out in Schedule 'A'.

Yours faithfully

Garry Smith
Manager Development Assessment

Enc



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
P.O. BOX 816, MURWILLUMBAH, N.S.W. 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

Our Ref: BRT/kb



GreenView
DEVELOPMENTS

"Environmentally Aware"

FACSIMILE TRANSMISSION

TO: Cardno QLD Pty Ltd

Attention: Alaister Macrae

FAX NO: (07) 5538 4647

DATE: 30 October 2006

No of pages, including this page: 12

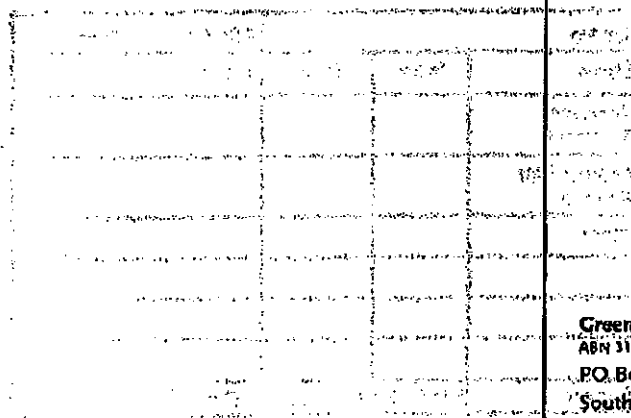
TIME OF TRANSMISSION: 3:46pm

RE: FRASER DRIVE

Following, please find documentation as requested.

Regards,

Bruce



Greenview Developments Pty Ltd
ABN 31 087 426 024

P.O. Box 6009

South Tweed Heads NSW 2486

Phone: (02) 6674 0157

Fax: (02) 6674 0305

Email:

greenview@southeastexcavations.com.au

NOTICE NO. DA02/0837

TWEED SHIRE COUNCIL

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION DEFERRED COMMENCEMENT

To: Greenview Developments Pty Limited
C/- Martin Findlater & Associates Pty Ltd
PO Box 216
MURWILLUMBAH NSW 2484

Pursuant to Section 81(1)(a) of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. DA02/0837 relating to land described as:-
Lot 9 DP 1039569, Lot 2 DP 1000385, No. 43 Fraser Drive, Tweed Heads South

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

FILLING OF LAND FOR FUTURE DEVELOPMENT

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

"DEFERRED COMMENCEMENT"

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 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 67 of the Environmental Planning and Assessment Regulations subject to the conditions set out in Schedule "B".

SCHEDULE "A"

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

1. Prior to placement of any fill the applicant shall prepare a 'Geotechnical Site Investigation and Analysis' for the in-situ foundation material in accordance with AS1726 and AS3798-1996, shall be provided to the satisfaction of the Director of Development Services.
In general this investigation shall determine the subsurface conditions and provide anticipated settlement ranges for the foundation material when fill is placed.
This report should also provide recommendations in relation to the foundation design along with any requirements for preloading if settlement is expected.
All imported fill material shall be from an approved source. Prior to commencement of filling operations details of the source of fill and haulage routes shall be submitted to and approved by the Director of Development Services.
The approved haul route for the transportation of filling to the site is not to include Dry Dock Road, Tweed Heads South.
3. A detailed stormwater management plan for the operational or use stage of the development

prepared in accordance with Section D7.07 of Tweed Shire Council Aus-spec D7 - Stormwater Quality and D7 Code of Practice for Soil and Water Management on Construction Works shall be provided to the satisfaction of the Director of Development Services.

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 general accordance with the Statement of Environmental Effects and Plans Nos. 202009-01 Rev B & 202009-02 Rev A, prepared by Martin Findlater & Associates, dated 16th April 2002, except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
3. The filling is to be carried out in accordance with the relevant parts of Development Control Plan No 16 - Subdivisions Manual.
4. No retaining walls or similar structures are to be constructed over Council's sewer main.
5. Prior to commencement of work pursuant to this consent a **Construction Certificate** shall be obtained for the works proposed and required by this consent.
 - a) copies of compliance certificates relied upon
 - b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - earthworks
 - roadworks
 - stormwater drainage
 - landscaping works
 - sedimentation and erosion management plans
 - the approved Traffic Control Plan

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

6. The earthworks shall be undertaken in accordance with the submitted Preliminary Acid Sulfate Soil Management Plan dated August 2002 and Soil and Water Management Plan dated 22 August 2002 prepared by Martin Findlater & Associates Pty Ltd.
7. The 10 metre wide buffer between the toe of the fill batter and the existing vegetation as identified on Dwg No. 202009-01 Rev B shall be revegetated with native species. Plantings of native shrubs and small to medium trees shall be provided in the area marked and identified on the attached plan in RED.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. A traffic control plan that complies with the provisions of the RTA document "Traffic Control at Work Sites" Version 2 shall be prepared by a person who is qualified, authorised and has passed an RTA approved training course, and submitted for recording by Council, prior to issue of the Construction Certificate. All works are to comply with the Occupational Health and Safety Act and the RTA document and the approval particularly in respect to works on public roads. Safe public access shall be provided at all times.
9. Section 94 Contributions
 - (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

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

Heavy Haulage Component

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

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

where:

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

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

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

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

Admin. Administration component - 5% - see Section 6.5

10. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).

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

11. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties. If filling is required, a plan of proposed drainage is to be submitted and approved by the PCA prior to the issue of a construction certificate.

12. The site is to be filled to a minimum of RL 2.65m AHD. The filling is to be retained by perimeter structural walls with concrete lined perimeter drainage, or other approved treatment, to a design submitted to and approved by the Director of Engineering Services prior to the release of the Construction Certificate. The filling plan of the site is to address the drainage on the site as well as any existing stormwater flows onto or through the site and the likely impact on stormwater drainage in the locality from the proposed filling.

13. The Engineering Plans and specifications to accompany the Construction Certificate application shall provide for:-

1. Access to be sealed from the shake down grid to Fraser Drive road seal in accordance with

Condition 47.

- ii. No access to the site via right turns from southbound lanes on Fraser Drive unless a 3.0 metre wide passing lane is constructed at the entrance.
 - iii. Left turn taper to be constructed at the access driveway and sealed.
14. A bond or bank guarantee of \$10,000 is to be lodged with Council prior to the issue of a construction certificate authorising the placement of any fill on the site. This bond will be drawn on by Council to undertake any rectification work directed but not completed or progressing to the satisfaction of the Director, Engineering Services within seventy two (72) hours from the date of serving any notice. The bond to be released upon completion of all work to the satisfaction of the Director, Engineering Services.
15. **Permanent Stormwater Quality Treatment**
- (a) Permanent stormwater quality treatment shall comply with "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.3 "Stormwater Objectives During the Post Construction or Occupational Phase of Development". New development is required to comply with table 5.4 of the plan and demonstrate compliance by modelling in accordance with section 5.5.4. Section 5.5.5 of the plan further advises that treatment that is in accordance with the "deemed to comply" provisions of *Appendix E - Tweed Shire Council, Aus-Spec D7 - Stormwater Quality* is deemed to comply with the objectives in 5.5.3.
 - (b) Water sensitive design practices shall be adopted. Where it is practical, water quality features are to be designed into the land development site rather than rely on special end of pipe devices to strip pollutants and nutrients from stormwater prior to discharge. Typical water quality features that can be designed into the site development include use of porous pavements, directing runoff over filter strips or grass swales in landscaped areas, utilising landscaping as an integral part of stormwater quality management, maximising use of infiltration and stormwater reuse (eg. Rainwater tanks). These features can be complemented by site management practices which minimise creation of stormwater pollutants and nutrients and provide for appropriate operation, cleaning and maintenance of water quality control devices.
 - (c) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development, prepared in accordance with Section D7.07 of *Tweed Shire Council Aus-Spec D7 - Stormwater Quality and D7 Code of Practice for Soil and Water Management on Construction Works*.
16. A construction certificate application for works that involve any of the following:-
- connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works
- will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.
- Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.
17. **Erosion and Sediment Control During the Construction Phase of Development**
- (a) Construction phase stormwater quality treatment (erosion and sediment control) shall be designed and constructed in accordance with detailed engineering plans to be submitted and approved with the Construction Certificate. Erosion and sediment control shall be in accordance with the "*Tweed Urban Stormwater Quality Management Plan*" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix E

- of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond (if required) has been released.
- (b) The Construction Certificate Application must include a detailed erosion and sediment control plan (BSCP) for the construction phase of development, prepared in accordance with Section D7.07 of Tweed Shire Council Aus-Spec D7 - Stormwater Quality and D7 Code of Practice for Soil and Water Management on Construction Works.
18. Prior to the issue of Construction Certificate a revegetation management plan for the area identified in RED on the attached plan shall be prepared by a suitably qualified consultant and submitted to the Director of Development Services for approval.
- PRIOR TO COMMENCEMENT OF WORK**
19. Prior to commencement of work, a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Consulting Engineer shall be erected and maintained in a prominent position at the site to the satisfaction of the Director, Development Services. The sign is to remain in place until completion of the work.
20. Prior to commencement of works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority.
- Erosion and sediment control shall be in accordance with the "Tweed Urban Stormwater Quality Management Plan" (adopted by Council 19 April 2000) section 5.5.2 "Stormwater Objectives During the Construction Phase of New Development". This section requires all new development to comply with Appendix B of the Plan "Tweed Shire Council Aus-Spec D7 - Stormwater Quality" and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". Erosion and sediment controls shall remain in place until final approval is given and the maintenance bond has been released.

DURING CONSTRUCTION

21. No soil, sand, gravel, clay or other material shall be disposed of off the site.
22. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
23. All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction.
24. 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 will be deducted from the 1% bond or bank guarantee which is to be submitted prior to the issue of a Construction Certificate (the amount is based on 1% of the value of the works, minimum \$1000).
- i) Prior to the commencement of works, details of the personnel responsible (with contact details) for keeping the roadways clean and free of any construction material is to be lodged with Council.
25. All lots must be graded and trimmed to prevent the ponding of surface water. Additionally, all lots must be adequately vegetated and action must be taken to prevent erosion from wind and/or water to the satisfaction of the Director, Development Services.
26. All proposed drainage and associated works within the site shall be designed and constructed in accordance with the development consent plans AND the relevant provision of DCP No. 16 -

Subdivisions Manual, except where varied by the conditions of this consent.

27. On completion of the filling work, all topsoil to be respread and the site to be grassed and landscaped.
28. No filling to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically. No filling of any description is to be deposited, or remain deposited, within adjacent properties.
29. The earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments". In general, material shall be placed in layers not exceeding 300mm in depth, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
30. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-1996. In addition, the frequency of field density testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798. The geotechnical report shall be accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798.
31. All stormwater discharged from the site including dewatering discharge is to be directed to a sediment pond prior to final discharge into any waterway. The sediment ponds or other approved devices are to be maintained in good condition until the maintenance bond is released.
32. 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.
33. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
34. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
35. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
36. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
37. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
38. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
39. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period - 4 weeks.

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

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

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

41. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

42. The existing excavated drainage system through the site between Fraser Drive and James Road is to be preserved in its location and geometry so that its ability to convey trunk drainage from both catchments within the site and external to the site is not impaired.

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

44. Prior to and during construction provide a "shake down" area along the haul route located immediately before the intersection with the road reserve. The "shake down" area is to be 10 metres long, minimum 3.0 metres wide, constructed of minimum 50mm diameter crushed rock; or other such device approved by the Director of Engineering Services.

45. The erosion and sediment control works shall be carried out in accordance with Council's Code of Practice for soil and water management on construction sites.

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

The application was determined on:

2 October 2002

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

Building Code of Australia Building

N/A

Classification:

RIGHT OF APPEAL

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

Signed on behalf of the Tweed Shire Council



Garry Smith, Manager Development Assessment
4 October 2002

1711782 55 YOUNG & ZADOKS, 10000 OFANE HILLENTH APN

