

Modification of Development Consent

Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Keiran Thomas
Director
Regional Assessments

Sydney

2 September 2022

SCHEDULE 1

Development consent: **MP07_0179** granted by the Minister for Planning on 2 December 2009

For the following: Mixed use development including;

- Ground level commercial spaces including supermarket and retail shops;
- Upper-level residential units;
- Ground level public forecourt;
- Basement and surface car parking; and
- Landscape areas.

Applicant: Joanne Kay

Consent Authority: Minister for Planning

The Land: Cabarita Beach Mixed Use Development
Lot 1 DP 1185345

Modification: **MP 07_0179 MOD 7:** the modification includes:

- Correction of transcription errors in MOD 6 for the Section 94 Plans (Plans 5, 11, 12, 13, 15, 16, 18, 22 & 26) ET amounts;
- Correction of Section 94 Plan 18's ET to reflect changes in MOD 1; and
- Correction of Section 64 contributions.

SCHEDULE 2

The above approval is modified as follows:

1. In Schedule 2, Part B, Prior to Issue of Construction Certificate, Condition B29 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:

B29 Section 94 Monetary Contributions

- 1) Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to section 94 of the *Environmental Planning and Assessment Act 1979*:

For Stage 1

Tweed Coast Contribution Plan No 4			
	No. of Trips	\$ per trip	Sub-Total
	321.773 Trips	\$ 868 + \$87	\$307,293.21

For Stage 2

Tweed Road Contribution Plan No 4			
	No. of Trips	\$ per trip	Sub-Total
	148.2 Trips	\$ 1,145 base rate + \$250 indexation	\$206,739
S94 Plan No 5 Open Space (Casual)			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$502 base rate + \$171 indexation	\$9,589
S94 Plan No 5 Open Space (Structured)			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$575 base rate + \$196 indexation	\$10,985
S94 Plan No 11 Shirewide Library Facilities			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$792 base rate + \$215 indexation	\$14,348
S94 Plan No 12 Bus Shelters			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$60 base rate + \$16 indexation	\$1,083
S94 Plan No 13 Environ Cemetery			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$101 base rate + \$42 indexation	\$2,037
S94 Plan No 15 Community Facilities (Tweed Coast – South)			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$1,305.60 base rate + \$355.40 indexation	\$23,666
S94 Plan No 16 Emergency Facilities (Surf Lifesaving)			
	No. of ET	\$ per ET	Sub-Total
	15.2482 <u>14.248</u>	\$113 base rate + \$0 indexation	\$1,610

S94 Plan No 18 Extensions to Council Administration Offices & Technical Support Facilities			
	No. of ET	\$ per ET	Sub-Total
	15.2482	\$1,759.90 base rate + \$492.21 indexation	\$32,088.06
	15.9471		\$35,914
S94 Plan No 22 Cycleways			
	No. of ET	\$ per ET	Sub-Total
	15.2482	\$447 base rate + \$121 indexation	\$8,093
	14.248		
S94 Plan No 26 Regional Open Space (Casual)			
	No. of ET	\$ per ET	Sub-Total
	15.2482	\$1,031 base rate + \$280 indexation	\$18,679
	14.248		
S94 Plan No 26 Regional Open Space (Structured)			
	No. of ET	\$ per ET	Sub-Total
	15.2482	\$3,619 base rate + \$982 indexation	\$65,555
	14.248		

2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Tweed Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

3) Section 94 Plans

A copy of the Section 94 contribution plans may be inspected at Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah NSW 2484.

- In Schedule 2, Part B, Prior to Issue of Construction Certificate, Condition B30 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:

B30 Section 64 Monetary Contributions

- Contributions plans relevant to the subdivision include:
 - Development Servicing Plan for Water Supply Services* (July 2007)
 - Development Servicing Plan for Sewerage Services* (July 2007)
- Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 64 of the *Local Government Act 1993*.

	ET	Fee	Total
Water Developer Charges	6.510	\$11,268	\$73,358.30
Sewer Developer Charges	14.859	\$7,288	\$108,292.40

	<u>ET</u>	<u>Fee</u>	<u>Total</u>
<u>Water Developer Charges</u>	<u>5.7772</u>	<u>\$11,728</u>	<u>\$67,755</u>
<u>Sewer Developer Charges</u>	<u>13.692</u>	<u>\$7,585</u>	<u>\$103,853</u>

- 3) These changes to remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.
- 4) A copy of the Section 64 contribution plans may be inspected at Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah, NSW 2484.

End of modification

MP07_0179 MOD 7