

10 July 2018

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Please address all communications  
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ABN: 90 178 732 496

Dear Michelle

**Bay Grand Mixed Use Approval, Tweed Heads  
(DA 43-3-2005 Mod 6) – Tweed Shire Council Comments**

I refer to the Department's email of 25 June 2018 inviting Council to provide comment on the proposed modification to the approved Bay Grand mixed use development (DA 43-3-2005 Mod 6). Please be advised that Council officers have undertaken a review of the revised design and provide the following comments:

**1. Additional Staging**

The proposal to split the staging is recognised as being the appropriate action to allow the below ground works for Stages 2 and 3 to be undertaken separately to the aboveground works and for the release of Construction Certificates for the respective stages.

Accordingly, the proposed Stages: 2A (below ground works); 2B above ground works; 3A (below ground works); and 3B (above ground works) are considered to be acceptable.

In this respect, no objections are raised to the proposed amendments to the staging of the following Conditions: **A1A** (Staging); **A2** (Development in Accordance with Plans); **B2** (Additional Details); **B4** (Reflectivity); **B9** (Disabled Access); **B24** (Number of Car Spaces); **B28A** (Landscape Plan); **B31** (NatHers Rating); **B32** (Council's DCP 39 – *which should be amended to reference DCP A9 in the heading*); **B33** (Energy Star Ratings); **B34** (Water Ratings); **B35** (Clotheslines and Dryers); **B38** (Mechanical Ventilation); **B39** (Kitchen Exhaust); **B40** (Storage and Handling of Waste); **B45** (Conditions for the Proposal); and **C2** (Structural Works).

**2. Condition B22 and C6 - Waste Management**

It is noted that Conditions B22 and C6 are considered satisfied for Stages 2A, 2B, 3A and 3B, with Council approving a Waste Management Plan for these stages on 2 March 2018.

**3. Condition B46 – Dewatering Approval**

Similar to Item 2 above, it is noted that Condition B46 is considered satisfied for Stages 2A and 3A, with Council approving a Dewatering Management Plan for these stages on 2 March 2018.

#### 4. Condition B41 - **Monetary Contributions**

Given that the relevant contribution plans relate to residential units and commercial development, Council supports the proposal to allocate all of the applicable developer contributions to Stages 2B and 3B above ground works. Stages 2A and 3A will not have any contributions applicable to them.

It should be noted that the Mod 5 contribution calculations had an error in them. This miscalculation (which has been previously identified to the proponent) has now been rectified and the applicable ET's have been applied against the current monetary contributions rates (as of 1 July 2018) for Mod 6.

To this effect, please delete the existing wording for Condition B41 and replace with the following new Condition B41 (amendments shown in bold and underlined):

##### ***B41 Monetary Contributions***

*Payment of local contributions pursuant to Section **7.11** of the Act must be paid consistently with the staging of development described in Condition A1A and prior to the issue of a Construction Certificate for that stage.*

*The Local contributions for each **applicable** stage are as follows:*

***Stage 1A – PAID***

***Stage 1B – PAID***

***Stage 2B - \$968,784.35***

***Stage 3B – \$976,413.15***

*Under clause 146 of the Environmental Planning and Assessment Regulation, 2000, a Construction Certificate shall not be issued by a Certifying Authority for a stage of the development unless this condition is complied with. This consent contains other conditions which must be complied with before a construction certificate may be issued for a particular stage of the development. The Certifying Authority must also sight Council's Contribution Sheet signed by an authorised officer of Council.*

*If the contribution rate is adjusted between the date on which modification DA43-3-2005 MOD**6** is approved and payment of the contribution, then the figure will be indexed and calculated according to the then current contribution rate. The applicant will be required to request in writing from Council, a recalculation of these amounts for each stage of the development in accordance with the rates applicable in Council's adopted Fees and Charges, prior to payment of the contributions. A copy of the Section **7.11** contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street Tweed Heads.*

*Note: These rates are current as at July 2018.*

#### 5. Condition B42 – **Water Management Act 2000**

Similar to Condition 41, Council has raises no objections to the splitting of the staging to allow for below and above ground works to be separated and supports the proposal to allocate all of the applicable water and sewer contributions to Stages 2B and 3B above ground works.

As noted in Item 4 above, the miscalculation of applicable ET's at Mod 5 has now been rectified applied against the current monetary contributions rates (as of 1 July 2018) for Mod 6.

To this effect, please delete the existing wording for Condition B42 and replace with the following new Condition B42 (amendments shown in bold and underlined):

**B42 Water Management Act 2000**

A Certificate of Compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations 2000, a Construction Certificate shall not be issued by a Certifying Authority unless all Section 64 Contributions applicable to the development stage 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.

**BELOW IS ADVICE ONLY**

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Stage 1A - PAID

Stage 1B - PAID

Stage 2B

Water DSP4:	<b><u>40.942</u></b> ET @ <b><u>\$13926</u></b> per ET	<b><u>\$570,158.30</u></b>
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Sewer Banora:	<b><u>61.338</u></b> ET @ <b><u>\$6690</u></b> per ET	<b><u>\$410,351.20</u></b>
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Stage 3B

Water DSP4:	41.54 ET @ <b><u>\$13926</u></b> per ET	<b><u>\$578,486.00</u></b>
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Sewer Banora:	62.22 ET @ <b><u>\$6690</u></b> per ET	<b><u>\$416,251.80</u></b>
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If the contribution rate is adjusted between the date on which modification DA43-3-2005 MOD6 is approved and payment of the charges, then the figure will be indexed and calculated according to the then current rate. The applicant will be required to request in writing from Council, a recalculation of these amounts for each stage of the development in accordance with the rates applicable in Council's adopted Fees and Charges, prior to 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

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

**Lindsay McGavin**

Manager Development Assessment and Compliance