

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Director-General, as delegate of the Minister for Planning and Infrastructure under delegation issued on 25 January 2010, modify under section 75W of the *Environmental Planning and Assessment Act 1979*, the project approval referred to in Schedule 1 in the manner set out in Schedule 2.

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Sam Haddad

Director-General

As delegate of the Minister for Planning and Infrastructure

Sydney, *1st July* 2011

SCHEDULE 1

Project Approval:	granted by the then Minister for Planning on 20 September 2009.
For the following:	Mixed use subdivision at Lot 223 DP 1048468; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff.
Modification:	Amendments to the approved plans and documents; and amendments to density requirements.

SCHEDULE 2

The above approval is modified as follows:

(a) Deleting Condition A2 and replacing with new Condition A2 as follows:

A2 *Project in Accordance with Plans*

The project will be undertaken generally in accordance with the following drawings:

Architectural (or Design) Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
Engineering Drawings prepared by Cardno (QLD) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA22I	I	Existing Contours Plan	10/08/09
DA23J	J	Road Layout Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA25K	K	Cut / Fill Depths Layout Plan	21/12/09
DA26I	I	Site Cross Sections	21/12/09
DA27I	I	Erosion & Sediment Control Layout Plan	10/08/09
DA28F	F	Road No.1 Longitudinal Section	10/08/09
DA29D	D	Casuarina Way (Road No.2) Longitudinal Section	10/08/09
DA30E	E	Road No 3 (Casuarina Way) and Road No 4 Longitudinal Sections	10/08/09
DA31G	G	Road No 5 Longitudinal Section	10/08/09
DA32F	F	Road No 6 Longitudinal Section	10/08/09
DA33F	F	Road No 7 Longitudinal Section	10/08/09
DA34E	E	Typical Cross Sections Sheet 1	10/08/09
DA35G	G	Typical Cross Sections Sheet 1	10/08/09
DA36K	K	Catchment Areas and Drainage Paths	06/01/10
DA37I	I	Sewer Reticulation Layout Plan	10/08/09
DA38H	H	Water Reticulation Layout Plan	10/08/09
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09

DA42B	B	Proposed Frontal Cycleway/ Infiltration Basins Layout Plan	21/12/09
DA44D	D	Proposed Frontal Cycleway/ Drainage Re-alignment Layout Plan	21/12/09
DA46B	B	Proposed Additional Works in Lot 10	06/11/09
Traffic Engineering Drawings prepared by Cardno Eppell Olsen			
Drawing No.	Revision	Name of Plan	Date
8491-101	G	Tweed Coast Road / Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way / Town Centre Drive Intersection Concept Option 1	23/01/09
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept Path (Forward In)	14/08/09
8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	C	19M Articulated Vehicle Swept Path	14/08/09
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09
8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-906	E	Parking Bay Dimensions	03/07/09
8491-907	D	Parking Bay Dimensions	23/01/09
8491-908	E	Bus and Car Swept Path	14/08/09
8491-909	E	Public Parking	14/08/09
Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09

DA13	H	Shadow Diagrams	30/01/09
DA14	I	Building Signage Details	13/08/09
Landscape Drawings prepared by EDAW			
Drawing No.	Revision	Name of Plan	Date
08		Vehicular Street Hierarchy	August 2009
09		Pedestrian Links	August 2009
010		Cycle Circulation	August 2009
011		Street Tree Strategy	August 2009
012		Entrance Statement	August 2009
013		The Boulevard	August 2009
014		Main Street	August 2009
015		Casuarina Way	February 2010
016		Local Roads	August 2009
017		Pedestrian Links	February 2009
018		Foreshore Reserve Management Area	February 2010
019		Indicative Sections – Foreshore Reserve	August 2009
020		Civic Park	February 2010
021		Public Carpark Section	August 2009
022		Retail Centre	February 2010
Stage 1A drawings prepared by Cardno (Qld) Pty Ltd.			
DA103	B	Stage 1A Works Plan	18/11/10
DA104	B	Stage 1A Road Layout Plan	18/11/10
DA105	B	Stage 1A Finished Surface Contours	18/11/10
DA106	B	Cut/Fill Depths Layout Plan	18/11/10
DA107	B	Stage 1A Site Cross Sections	18/11/10
DA108	B	Stage 1A Erosion & Sediment Control Layout Plan	18/11/10
DA109		Road No.1 Longitudinal Section	08/09/10
DA110		Casuarina Way (Road No.2) Longitudinal Section	08/09/10
DA111		Road No.3 (Casuarina Way) Longitudinal Section	08/09/10
DA112		Road No.5 Longitudinal Section	08/09/10
DA113		Road No 6 & 7 Longitudinal Sections	08/09/10
DA114		Typical Cross Sections Sheet 1	08/09/10
DA115		Typical Cross Sections Sheet 2	08/09/10
DA116	B	Stage 1A Catchment Areas and	18/11/10

		Drainage Paths	
DA117	B	Stage 1A Sewer Reticulation Layout Plan	18/11/10
DA118	B	Stage 1A Water Reticulation Layout Plan	18/11/10
DA119	B	Stage 1A Subdivision Layout Plan	18/11/10
DA120	B	Stage 1A Dedication and Easement Plan	18/11/10
DA121	B	Stage 1A Proposed Cycleway/Drainage Re-alignment Layout Plan	18/11/10
DA122		Proposed Additional Works in Lot 10	08/09/10

- (b) Immediately after the words “25 March 2009” and before the period in Condition A3(2) inserting the following words as follows:

(except in relation to the density requirements for future medium density residential and mixed use residential lots, as outlined in row 6 of the table on page 62, which is deleted)

- (c) Inserting new clause (4) following Condition A3(3) as follows:

A3 Project in Accordance with Documents

- (4) Section 75W Modification: Concept and Project Approval, MP 06_0258, (as already modified) Casuarina Town Centre prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated November 2010.

- (d) Deleting the heading “PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES” to be replaced with:

PART B1—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR STAGE 1A WORKS AND RETAIL CENTRE

- (e) Deleting Condition B2

- (f) Inserting new Condition B2 as follows:

B2 Design Modifications

The design of the layout and buildings shall be amended as follows:

- (1) The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for the retail centre.

- (2) Two indented bus bays including bus shelters shall be provided on Casuarina Way (one in each direction). Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters. Details shall be submitted to and approved by the Department prior to the issue of a Construction Certificate for Stage 1A.
- (g) **Immediately after the words “Construction Certificate” and before the words “a certificate certifying compliance” in Condition B4, inserting the words as follows:**
- for Stage 1A
- (h) **Immediately after the words “issue of a Construction Certificate” and before the words “the proponent shall submit” in Condition B5 inserting the words as follows:**
- for the retail centre,
- (i) **Immediately after the words “Construction Certificate” and before the period in Condition B6 inserting the words as follows:**
- for Stage 1A
- (j) **Immediately after the words “Construction Certificate” and before the period in Condition B7 inserting the words as follows:**
- for Stage 1A
- (k) **Replacing the word “a” immediately after the words “prior to the issue of” and before the words “Construction Certificate” in Condition B8 with the following word:**
- any
- (l) **Replacing the word “a” immediately after the words “Prior to the issue of” and before the words “Construction Certificate” in Condition B9 with the following word:**
- any
- (m) **Deleting Condition B10**

(n) Inserting new Condition B10 as follows:

B10 Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) hours of work;
- b) contact details of site manager;
- c) traffic and pedestrian management;
- d) noise and vibration management;
- e) construction waste management;
- f) erosion and sediment control; and,
- g) flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work.

(o) Deleting Condition B11

(p) Inserting new Condition B11 as follows:

B11 Traffic & Pedestrian Management Plan

Prior to the issue of any Construction Certificate, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Traffic and Pedestrian Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

- (q) **Immediately after the words “Construction Certificate” and before the period in Condition B13 inserting the words as follows:**

for Stage 1A

- (r) **Deleting Condition B17(3)**

- (s) **Inserting new Condition B17(3) as follows:**

- 3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of any Construction Certificate relating to car parking and service vehicle areas.

- (t) **Deleting Condition B18**

- (u) **Inserting new Condition B18 as follows:**

B22 Car Park and Service Vehicle Layout

Prior to the issue of a Construction Certificate for the retail centre, design details of the proposed exit from the retail centre must be submitted to the satisfaction of the Certifying Authority demonstrating that the exit shall be used as an exit for service vehicles only with appropriate signage and delineation provided internally preventing use by non-service vehicles.

- (v) **Immediately after the words “Construction Certificate” and before the period in Condition B20 inserting the words as follows:**

for the retail centre

- (w) **Immediately after the words “Construction Certificate” and before the period in Condition B21 inserting the words as follows:**

for the retail centre

- (x) **Deleting Condition B22**

- (y) **Inserting new Condition B22 as follows:**

B22 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the proposed subdivision subject site, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 1A works. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

- (z) Immediately after the words “stormwater quality treatment” and before the words “shall be provided” in Condition B23 inserting the words as follows:

required as part of the Stage 1A works

- (aa) Deleting Condition B24

- (bb) Replacing the word “shopping” immediately after the word “The” and before the words “centre development” in Condition B25 with the following word:

retail

- (cc) Immediately after the words “Construction Certificate” and before the period in Condition B25 inserting the words as follows:

for the retail centre

- (dd) Immediately after the words “Construction Certificate” and before the period in Condition B26 inserting the words as follows:

for the retail centre

- (ee) Replacing the word “The” at the beginning of sub-clause “(a)” and before the words “Construction Certificate” in Condition B28(a) with the following word:

Any

- (ff) Immediately after the words “of the new roads” and before the period in Condition B30 inserting the words as follows:

(with the exception of Road No.5 which is to be built to a rural-type construction standard as part of Stage 1A only)

- (gg) Deleting Condition B31

- (hh) Deleting Condition B32

- (ii) Inserting new Condition B22 as follows:

B32 Landscaping Plan

Detailed landscape plan(s) shall be prepared for all landscaping proposed as part of Stage 1A and the retail centre. The plan(s) shall clearly delineate between landscaping in future public areas as well as private areas. The landscape plan(s) shall be prepared by a landscape architect or landscape consultant. The landscape plan for Stage 1A is to be approved by Council prior to the issue of a Construction Certificate for Stage 1A. The landscape plan for the retail centre is to be approved by Council

prior to the issue of the Construction Certificate for the retail centre. Detailed landscape plans depicting landscape works in public areas shall be subject to the approval of Tweed Shire Council's Director of Engineering and Operations. The detailed landscape plan(s) shall include the following documentation -.

- (a) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of proposed buildings indicating doors and windows and extent of basement carparking if applicable. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.
- (b) Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.
- (c) Easements on or adjacent to the site.
- (d) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.
- (e) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.
- (f) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
- (g) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
- (h) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.
- (i) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
- (j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;
 - species listed by botanical and common names, with the majority of plants constituting local native species;
 - expected mature size of the species at the site, taking in to consideration site specific parameters;
 - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
 - maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

- (k) A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.
- (l) Planting design which demonstrates adequate screening of views to the development from Tweed Coast Road. Screening should be consistent with the current streetscape character of Tweed Coast Road.
- (m) The location of all cycleways and pathways proposed on the site, including proposed construction materials.
- (n) The location of all Asset Protection Zones as approved by the Rural Fire Service.
- (o) Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.
- (p) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.
- (q) The landscape plans for public open space areas (to be dedicated to Council) shall demonstrate that all bridges, boardwalks or similar structures associated with cycleways, parks or pedestrian paths are of robust construction and designed to minimise long term maintenance. The subframe will be either hardwood, recycled plastic, fibre composite or similar material. The decking, kickboards and handrails shall utilise appropriate recycled plastic materials.
- (r) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17a or steeper, such slopes shall be densely planted in accordance with the landscaping plan. The plan shall include:
 - (i) Contours and terraces where the height exceeds 1m.
 - (ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - (iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - (iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the site and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

Note: Landscape plans depicting landscape works in public areas are to be consistent with:

- a) Tweed Shire's DCP Section A5 - Subdivision Manual
- b) Development Design Specification D14 – Landscaping Public Space

Current draft appendices to D14 include 'Landscape Procedures and Style Manual' and 'Master Specification for supply and installation of Landscape and Turf Irrigation Systems'.

- (jj) Replacing the word “a” immediately after the words “Prior to the issue of” and before the words “Construction Certificate” in Condition B34 with the following word:

any

- (kk) Replacing the word “issues” immediately after the words “Prior to the” and before the words “of a Construction Certificate” in Condition B36 with the following word:

issue

- (ll) Inserting new headings following Condition B37 and before Condition B38 as follows:

**PART B2—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR THE
BALANCE OF STAGE 1A WORKS**

Design Details and Changes

- (mm) Inserting new Condition B38 as follows:

B38 Design Modifications

The design of the layout and buildings shall be amended as follows:

- (1) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The proposed easement shall be modified accordingly.
- (2) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.

- (nn) Inserting new heading following Condition B38 and before Condition B39 as follows:

Remediation / Demolition / Earthworks

- (oo) Inserting new Condition B40 as follows:

B40 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to Council.

- (pp) Inserting new heading following Condition B40 and before Condition B41 as follows:

Construction Management

- (qq) Inserting new Condition B41 as follows:

B41 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan for the balance of Stage 1A works shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) hours of work;
- b) contact details of site manager;
- c) traffic and pedestrian management;
- d) noise and vibration management;
- e) construction waste management;
- f) erosion and sediment control; and,
- g) flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

- (rr) Inserting new Condition B42 as follows:

B42 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan shall be prepared for the balance of Stage 1 works, prepared in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2. The plan shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Traffic and Pedestrian Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council. The Proponent shall submit a copy of the approved plan to Council.

(ss) Inserting new Condition B43 as follows:

B43 *Carparking*

All car parking shall be provided in accordance with the approved plans, including disabled parking in accordance with Tweed Shire Council's Development Control Plan Part A2 – Site Access and Parking Code.

(tt) Inserting new Condition B44 as follows:

B44 *Road Design*

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All roads shall be designed in consultation with the relevant requirements of Council and the RTA (as applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(uu) Inserting new heading following Condition B44 and before Condition B45 as follows:

Stormwater

(vv) Inserting new Condition B45 as follows:

B45 *Stormwater and Drainage Works Design*

Final design plans of the stormwater drainage systems within the subject site, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for the balance of Stage 1 works. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

(ww) Inserting new Condition B46 as follows:

B46 *Stormwater and Drainage Works Design*

Permanent stormwater quality treatment required as part of the balance of Stage 1 works shall be provided in accordance with the following:

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared 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. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

(xx) Inserting new Condition B47 as follows:

B47 Design of Piped Drainage System

Detailed engineering plans and calculations of the east-west drain shall be provided to Council as part of a s68 Local Government Act Stormwater Application, requiring separate Council approval prior to the issue of a Construction Certificate. The application shall include the following:

- (a) a design that conveys the 100 year ARI stormwater flow, with a safety factor of 1.5 applied to design rainfall intensity, and providing a 0.5m freeboard before water can surcharge into adjoining land.
- (b) The inlet structure at the coastal swale shall be designed to accept the 100 year ARI inflow, with measures to minimise blockage.
- (c) The east-west drain shall be aligned to minimise bends that may reduce hydraulic capacity or create blockage points.
- (d) The works shall not result in batter slopes exceeding 1:4 (vertical:horizontal). The works must maintain minimum clearances and cover to all underground public infrastructure, as specified in Council's DCP Section A5 - Subdivision Manual, and associated Development Design and Construction Specifications.
- (e) The design of the east-west drain shall incorporate all existing drainage outlets to the existing drainage swale, including any major system flow paths.
- (f) Design detail that demonstrates the equivalency of the proposed stormwater infiltration system with the plan "Infiltration Basin Configuration - Draining to Controlled Outlet No.11", Cardno MBK, Plan Reference SK No.7079/1-24 Rev B, 7 March 2001. Infiltration basins shall be designed to absorb the 3 month ARI (deemed to be 40% of the 1 year ARI event) storm runoff from the public stormwater system, based on a maximum infiltration rate determined in accordance with Council's Development Design Specification D7 - Stormwater Quality Section D7.9.9. Design detail must clearly identify the size and extent of the contributing catchment to each infiltration basin. Infiltration basins shall be wholly contained within land dedicated to Council. Basins shall be readily maintainable, and shall only contain structures and other infrastructure where it does not conflict with performance objectives or maintainability.

(yy) Inserting new Condition B48 as follows:

B48 Erosion and Sediment Control

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".

(zz) Inserting new Condition B49 as follows:

B49 Local Government Act Approval (section 68 Approval)

A s68 stormwater drainage application is required for works that involve any of the following:-

- (a) connection of a private stormwater drain to a public stormwater drain;
- (b) installation of stormwater quality control devices; and
- (c) erosion and sediment control works.

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.

Where Council is requested to issue a construction certificate for civil works associated with this 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 LG Act will then NOT be required.

(aaa) Inserting new Condition B50 as follows:

B50 Retaining Walls

Details from a Structural Engineer are to be submitted to the 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.

(bbb) Deleting the words in Schedule 3 and replacing with the following:

SCHEDULE 3

06_0258

CASUARINA TOWN CENTRE

TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT AREA

STATEMENT OF COMMITMENTS

(SOURCE: DOCUMENT REFERRED TO IN CONDITION A(3)(4))