


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Dan Keary
A/Executive Director
Development Assessment Systems & Approvals

Sydney 16th May 2014

SCHEDULE 1

Project Approval:	06_0258 granted by the then Minister for Planning on 20 September 2009.
Proponent:	CTC Multiple Lots Pty Ltd
For the following:	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff, Tweed local government area.
Modification:	<p>06_0258 MOD 6 involving:</p> <ul style="list-style-type: none">• amendments to the approved number of lots;• amended project plans and reference to MOD 6 documentation;• amendments to Part B1 to make reference to new sub-stages 1B and 1C;• the introduction of additional dust control measures;• amendments to Part E1 to make reference to new sub-stages 1B and 1C; and• updated Section 94 and Section 64 monetary contribution rates.

SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

(a) Insert new definition under Part C – Definitions as follows:

Sub-stage refers to individual Stages 1A, 1B, 1C, and the balance of Stage 1 under Stage 1.

(b) Delete clause (2) under Condition A1 and replace with new clause (2) as follows:

2) Subdivision of land into 97 lots comprising:

- a. 78 low density residential lots;
- b. 5 medium density residential lots;
- c. 5 mixed use lots;
- d. 2 commercial lots;
- e. 1 retail lot;
- f. 1 hotel lot;
- g. 3 open space lots; and
- h. 2 lots for the purposes of drainage.

(c) Delete the following row within the table under Condition A2:

DA40N	N	Dedication and Easement Plan	21/12/09
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(d) Delete the following four rows within the table under Condition A2:

Drawings prepared by Newton Denny Chapelle (06_0258 MOD 4)			
		Concept Staging Plan	17/04/13
		Proposed Subdivision Staging Plan Stage 1A	13/03/13
		Proposed Subdivision Staging Plan Stage 1 (Balance)	15/04/13

(e) Insert twelve new rows after the final row of the table under Condition A2 as follows:

Drawings prepared by Newton Denny Chapelle (06_0258 MOD 6)			
12/111 B	A	Subdivision Layout Plan Stage 1	10.02.14
12/111 B	A	Subdivision Layout Plan Stage 1B	10.02.14
12/111 B	A	Subdivision Layout Plan Stage 1C	10.02.14
13/169	A	Lot Layout	10.02.14
13/169	A	Road, Paths & Parking Layout	18.03.14
13/169	A	Services Plan	18.03.14
13/169	A	SM1 - Stormwater Management Plan	10.02.14
13/169	A	Road 5 Details	10.09.13
13/169	A	Road 10 Details	26.08.13
13/169	A	Road 11 Details	26.08.13
12111/13169	A	Stage 1A Dedication and Easement Plan	20.03.14

- (f) **Insert new clause (8) following clause (7) under Condition A3 as follows:**

(8) *Section 75W Modification No. 6 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre* prepared by Newton Denny Chappelle on behalf of CTC Multiple Lots Pty Ltd, dated October 2013; and supplementary information supporting the modification request, prepared by Newton Denny Chappelle, dated 16 December 2013.

- (g) **Delete the heading titled “PART B1–PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR STAGE 1A WORKS AND RETAIL CENTRE” following Condition A7 and before Condition B1 and replace with the following:**

PART B1–PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR INDIVIDUAL SUB-STAGES 1A, 1B, 1C, AND THE RETAIL CENTRE

- (h) **Delete the words “Stage 1A” under Condition B7 and replace with the following:**

each sub-stage and the retail centre

- (i) **Delete the words “Stage 1A works” under Condition B22 and replace with the following:**

each sub-stage and the retail centre

- (j) **Delete the words “the Stage 1A works” under Condition B23 and replace with the following:**

each sub-stage and the retail centre

- (k) **Delete the words “Stage 1A” under Condition B32 and replace with the following:**

each sub-stage

- (l) **Delete the words “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.” under Condition B32 and replace with the following:**

The landscape plans for each sub-stage and the retail centre are to be approved by Council prior to the issue of a Construction Certificate for the relevant sub-stage.

- (m) **Following the words “source of sediment.” under Condition D8 insert the following:**

Prior to the commencement of the balance of Stage 1 works, the Supervising Engineer is to certify that all relevant erosion and sediment control measures are in place and are capable of ensuring compliance with the condition intent.

- (n) **Delete Condition D9 and replace with new Condition D9 as follows:**

D9 *Erosion and Sediment Control Inspections*

Regular inspections on a fortnightly basis 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.

- a) Within 2 working days following each inspection, a brief report prepared by the Supervising Engineer is to be submitted to the PCA outlining the outcome of each inspection. The report is to include modifications to the erosion control measures, as relevant, to ensure that the site is maintained in good condition. Any recommendations are to be implemented to the satisfaction of the PCA within 3 working days of the report being submitted.
- b) Additional inspections and reports are also required by the Supervising Engineer after each storm event (including when wind speeds reach 35km/hour at the site) 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. The reporting and implementation of any recommendations arising from each inspection is to comply with the requirements outlined in clause (a) above.
- c) This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.
- d) The results of the erosion and sediment control inspections are to be made available to the Department and/or Council upon request.

Note: variations to the frequency of the inspection regime may be approved by the PCA where construction works are advanced and the risk of ground disturbance is minimal and the site has been stabilised and rehabilitated.

(o) Following clause (8) under Condition D11 insert the following:

The following additional dust control measures must be adopted during construction works:

- (1) Silt fencing is to be provided across the site at minimum 30m spacing's where area has been exposed;
- (2) When wind speeds reach 35km/hour at the site, all dust generating activities must cease;
- (3) A 1.8m high hessian fence is to be provided around the proposed property boundaries;
- (4) Regular watering is to occur across exposed areas of the site; and
- (5) Hydro-mulching is of exposed areas is to occur immediately after works have been completed.

Prior to the commencement of the balance of the Stage 1 works, the Supervising Engineer is to certify that the above dust control measures are in place and are capable of ensuring compliance with the condition intent.

(p) Following Condition D11 and prior to Condition D12 insert new Condition D11A as follows:

D11A Dust and Wind Monitoring

Dust and wind monitoring procedures are to be installed to the satisfaction of the PCA prior to the commencement of the balance of Stage 1 works. The monitoring results are to be reported to the PCA on a monthly basis until the completion of the balance of the Stage 1. Where the results of the monitoring indicate excessive dust and/or wind speeds, a review of the dust control measures specified in Condition D11 is to be undertaken by the Supervising Engineer and adequate additional or modified measures are to be put in place, to the satisfaction of the PCA.

The results of any monitoring are to be made available to the Department and/or Council upon request.

- (q) **Following the words “upon completion.” under Condition D16 insert the following:**

Note: Whenever earthworks are being undertaken on the site, vibration monitoring is to occur to verify compliance with Condition D15, including at the boundary of the nearest affected residential receiver. The results of the monitoring is to be made available on request by the PCA, the Department and/or Council.

- (r) **Delete the heading titled “PART E1–PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR STAGE 1A” following Condition D20 and before Condition E1 and replace with the following:**

PART E1–PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES FOR INDIVIDUAL SUB-STAGES 1A, 1B, 1C, AND THE BALANCE OF STAGE 1

- (s) **Delete clause (4) under Condition E8 and replace with new clause (4) as follows:**

- 4) 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 as 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.
 - (c) A restriction as to user for all lots adjoining the 20m wide dedication area containing the east/west cycleway link to:
 - (i) Prohibit the construction of fences within the dedication area; and
 - (ii) Provide a minimum building setback of 2m to the boundary of the dedication area.
 - (d) A restriction as to user for all lots requiring the infiltration of all stormwater runoff from roof, hardstand / carparking, and impermeable landscaping areas in storm events up to the 3 month ARI event (deemed to be 40% of the 1 year ARI event), assuming a maximum infiltration rate of 3m per day.
 - (e) A Restriction as to User burdening Lots 77, 78, 92, and 93: prohibiting direct vehicular access to Road No. 2 (Casuarina Way).
 - (f) A Restriction as to User burdening Lots 67 and 68: prohibiting direct vehicular access to Road No. 5.
 - (g) A Restriction as to User burdening Lot 58: prohibiting direct vehicular access to Road No. 6.
 - (h) 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.

- (t) **Following the words “of a Subdivision Certificate.” and before the words “Upon dedication Council” under Condition E13, insert new words as follows:**

All dedicated internal roads are to be constructed to Council’s satisfaction.

(u) Delete Condition E21 and replace with new Condition E21 as follows:

E21 Section 94 Monetary Contributions

STAGE 1A Subdivision contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub – TOTAL (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	266.5	1,186	316,069
TRCP Sector 7_4 LCA4- Casuarina	266.5	174	46,371
Street Trees (S94 Plan 11)	39	297	11,583
Libraries (S94 Plan 11)	39	838	32,682
Bus Shelters (S94 Plan 12)	39	64	2,496
Cemeteries (S94 Plan 13)	39	123	4,797
Lifesaving (S94 Plan 16)	39	113	4,407
Council Admin (S94 Plan 18)	39	1,860.31	72,552.09
Community Facilities – Casuarina Beach/Kings Forest (S94 Plan 19)	39	2,263	88,257
Regional Open Space (Casual- S94 Plan 26)	39	1,091	42,549
Regional Open Space (Structured- S94 Plan 26)	39	3,830	149,370
			771,133.09

STAGES 1 and 2 Retail and commercial contributions

Plan	No. of ET/ Trips	4 per ET/Trip	Sub- Total (\$)
Tweed Road Contribution Plan (Cp No. 4, Version 5.1, January 2009)	1143.9	1,186	1,356,665
TRCP Sector 7_4 LCA\$- Casuarina	1143.9	174	199,039
			1,555,704

STAGE 1B Subdivision contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub – TOTAL (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	253.5	1,186	300,651
TRCP Sector 7_4 LCA4- Casuarina	253.5	174	44,109

Street Trees (S94 Plan 11)	39	297	11,583
Libraries (S94 Plan 11)	39	838	32,682
Bus Shelters (S94 Plan 12)	39	64	2,496
Cemeteries (S94 Plan 13)	39	123	4,797
Lifesaving (S94 Plan 16)	39	113	4,407
Council Admin (S94 Plan 18)	39	1,860.31	72,552.09
Community Facilities – Casuarina Beach/Kings Forest (S94 Plan 19)	39	2,263	88,257
Regional Open Space (Casual- S94 Plan 26)	39	1,091	42,549
Regional Open Space (Structured- S94 Plan 26)	39	3,830	149,370
			753,453.09

STAGE 1C Subdivision contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub – TOTAL (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	6.5	1,186	7,709
TRCP Sector 7_4 LCA4- Casuarina	6.5	174	1,131
Council Admin (S94 Plan 18)	1	1,860.31	1,860.31
			10,700.31

BALANCE OF STAGE 1 Subdivision contributions

Plan	No. of ET/ Trips	4 per ET/Trip	Sub- Total (\$)
Tweed Road Contribution Plan (Cp No. 4, Version 5.1, January 2009)	52	1,186	61,672
TRCP Sector 7_4 LCA\$- Casuarina	52	174	9,048
Street Trees (s94 Plan 6)	8	297	2,376
Librarian (S94 Plan 11)	8	838	6,704
Bus Shelters (S94 Plan 12)	8	64	512
Cemeteries (S94 Plan 13)	8	123	984
Lifesaving	8	113	904

(S94 Plan 16)			
Council Admin (S94 Plan 18)	8	1,860.31	14,882.48
Community Facilities – Casuarina Beach/Kings Forest (S94 Plan 19)	8	2,263	18,104
Regional Open Space (Casual- S94 Plan 26)	8	1,091	8,728
Regional Open Space (Structured- S94 Plan 26)	8	3,830	30,640
			154,554.48

Subdivision contributions are payable prior to the issue of a Subdivision Certificate for the relevant sub-stage. The Stage 1 retail and commercial contributions are payable prior to the issue of the Construction Certificate for the retail and commercial developments.

Note: Contribution Plan credits can be obtained from both Zone 6 Contributions (four laning of Tweed Coast Road) and Local Area Charge 4 (various traffic signals) under Contribution Plan No. 4. All other proposed roads and intersections are to be constructed at the developer's expense.

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.

These charges 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.

Section 94 Plans

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.

(v) Delete Condition E22 and replace with new Condition E22 as follows:

E22 Section 64 Monetary Contributions

A certificate of compliance 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 Tweed Shire Council.

Pursuant to Clause 146 of the *Environmental Planning and Assessment Regulation 2000*, a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Principal Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

The current charges applicable are:

STAGE 1A Subdivision contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	41	12,575	515,575

South Kingscliff Water Addition	41	292	11,972
Sewer Kingscliff	41	6,042	247,722
			775,269

STAGES 1 and 2 Retail and commercial contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	7.68	12,575	96,576
South Kingscliff Water Addition	7.68	292	2,243
Sewer Kingscliff	12.18	6,042	73,591.60
			172,410.60

STAGE 1B Subdivision contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	38.8	12,575	487,910
South Kingscliff Water Addition	38.8	292	11,330
Sewer Kingscliff	39	6,042	235,638
			734,878

STAGE 1C Subdivision contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	1	12,575	12,575
South Kingscliff Water Addition	1	292	292
Sewer Kingscliff	1	6,042	6,042
			18,909

BALANCE OF STAGE 1 Subdivision contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	8.6	12,575	108,145
South Kingscliff Water Addition	8.6	292	2,511
Sewer Kingscliff	8	6,042	48,336
			158,992

Subdivision contributions are payable prior to the issue of the Subdivision Certificate for the relevant sub-stage. The Stage 1 retail and commercial contributions are payable prior to the issue of the Construction Certificate for the retail and commercial developments.

(w) Delete the heading “PART E2–PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR THE BALANCE OF STAGE 1 (LOT 57)”

(x) Delete Conditions E23 to E42 inclusive.

(y) Delete the words “A3(4)” under Schedule 3 and replace with the following:

A3(8)