

**MODIFICATION REQUEST:
CASUARINA TOWN CENTRE
TWEED COAST ROAD, CASUARINA
06_0258 MOD 7**



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

June 2014

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1. BACKGROUND

This report is an assessment of a request to modify the concept plan approval and Stage 1 project approval of Major Project 06_0258 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification relates to a mixed use subdivision referred to as the 'Casuarina Town Centre' located at Tweed Coast Road, Casuarina, in the Tweed local government area.

The concept plan and concurrent Stage 1 project application were approved by the then Minister for Planning on 20 September 2009 under Part 3A of the EP&A Act. Concept plan approval was granted for:

- the subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots;
- construction of a retail centre comprising a supermarket, restaurants and shops;
- construction of a hotel;
- construction of the associated road network and car parking;
- construction of all necessary services; and
- landscaping and open space.

Stage 1 project approval was granted for:

- the subdivision of land into 61 lots;
- construction of the supermarket anchored retail centre;
- bulk earthworks and vegetation clearing;
- construction of all roads and closure of Dianella Drive;
- provision of infrastructure and services; and
- landscaping.

1.1 Subject Site

The subject site is located at Casuarina, which is approximately 15km to the south of Tweed Heads and 4km north of Cabarita Beach. Low to medium density residential development adjoins the site immediately to the north and south. The Casuarina Beach foreshore adjoins the site to the east, with Tweed Coast Road adjoining the western site boundary. The Cudgen Nature Reserve is located further to the west. The site location is identified at **Figure 1**.

The approved concept plan, including those features of the site approved as part of the Stage 1 project approval is shown at **Figure 2**.



Figure 1: Site location – Casuarina Town Centre

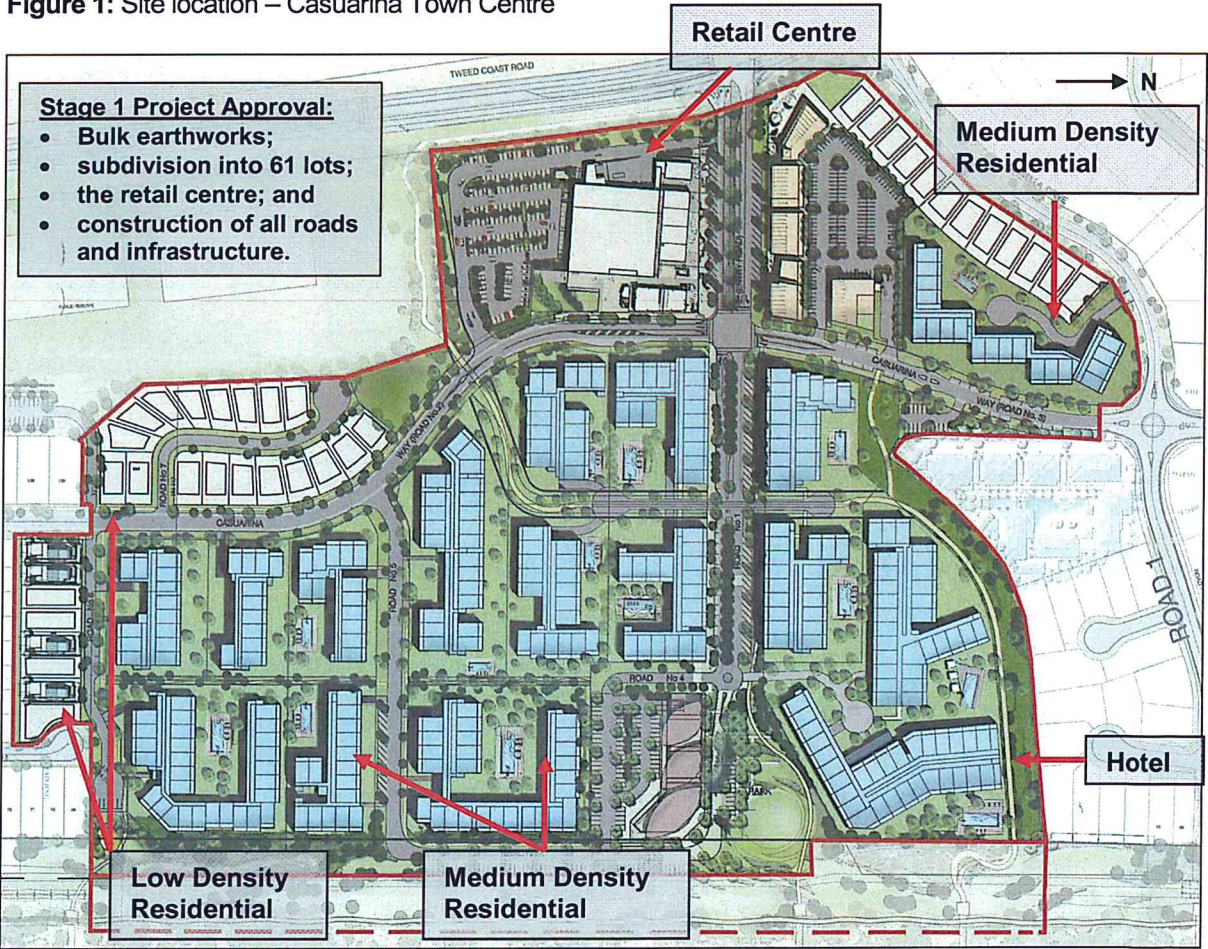


Figure 2: Approved Casuarina Town Centre Concept Plan

The approved project has been subject to six modification applications, as outlined in **Table 1** below.

Table 1: Summary of Approved Modifications to the Concept Plan and Stage 1 Project Application (06_0258)

Approval		Description
Modification 1 17 June 2010	Concept	<ul style="list-style-type: none"> Amendments to the approved concept stormwater regime for the site.
	Project Application	<ul style="list-style-type: none"> Filling of the existing drainage easement. Works to facilitate the closure of the Dianella Drive/Tweed Coast Road intersection to be replaced with a cul-de-sac road.
Modification 2 1 July 2011	Concept	<ul style="list-style-type: none"> Amendments to the project staging to allow Stage 1 to be carried out in two sub-stages (referred to as Stage 1A and the balance of Stage 1).
	Project Application	<ul style="list-style-type: none"> Amendments to density requirements. Amendments to the conditions of approval to make separate references to sub-stages 1A and the balance of Stage 1.
Modification 3 7 March 2012	Concept	<ul style="list-style-type: none"> No change.
	Project Application	<ul style="list-style-type: none"> Reduced gross floor area and scale of the supermarket building. Removal of basement car parking, reconfiguration of the at-grade car park, and provision of parking shade structures. Additional signage. Increased landscaping works.
Modification 4 24 April 2013	Concept	<ul style="list-style-type: none"> Amendments to the concept staging including an allowance for the sequencing of future stages to be varied. Deletion of the requirement to construct the beach access as part of the concept plan.
	Project Application	<ul style="list-style-type: none"> Consolidation of medium density residential Lots 7, 8, 9, 14 & 15 to form temporary Lot 57 within Stage 1A. A requirement to provide evidence of approval and construction of the beach access prior to the issuing of a construction certificate and subdivision certificate respectively. Amendments to the timing of monetary contributions.
Modification 5 24 September 2013	Concept	<ul style="list-style-type: none"> No change.
	Project Application	<ul style="list-style-type: none"> Construction of a retaining wall in the south-eastern portion of the site and associated works adjacent to the cul-de-sac head of Road 6.
Modification 6 16 May 2014	Concept	<ul style="list-style-type: none"> Amendments to the number of approved lots. Amendments to the concept staging to create sub-stages 1B and 1C. Amendments to the land use of Lots 7, 8, 9, 14 & 15 from medium density residential to low density residential. The creation of new Lot 2A within commercial Lot 2. Amendments to the minimum lot size requirements to allow the construction of dwellings on lots below 450m² in area.
	Project Application	<ul style="list-style-type: none"> The inclusion of sub-stages 1B and 1C. The subdivision of Lots 7, 8, 9, 14 & 15 into 40 Torrens title lots. The inclusion of additional dust control measures.

2. PROPOSED MODIFICATION

2.1 Modification Description

On 5 February 2014, BBC Consulting Planners on behalf of Kings Beach No. 2 (the proponent) submitted a Section 75W modification request to both the concept plan approval and Stage 1 project approval for the Casuarina Town Centre (refer **Appendix C**). The proposed modification relates to the approved retail centre at Lot 1. The following amendments are proposed:

- a 1,000m² increase of supermarket gross floor area (GFA);
- a 581m² increase of specialty retail GFA;
- a 12m² reduction of restaurant GFA;
- development of the retail centre in two stages;
- amended car parking arrangements; and
- a request for a concession toward Section 94 monetary contributions.

2.2 Modification Justification

The modification is sought to facilitate a staged increase in GFA of the supermarket and retail specialty shops to address the needs of the major tenant (Coles). The location of the retail centre in context to the Town Centre site is shown at **Figure 2** above. Components of the retail centre, as approved, comprise:

- a 2,300m² supermarket and 200m² of ancillary office space;
- 1,000m² of specialty retail GFA;
- 160m² of restaurant GFA; and
- 220 car parking spaces.

The proponent seeks to increase the overall GFA of the retail centre, and to develop the centre in two separate stages.

Stage 1 is proposed to comprise:

- a 2,300m² supermarket and 200m² of ancillary office space (as currently approved);
- 1,317m² of specialty retail GFA;
- 148m² of restaurant GFA; and
- 237 car parking spaces.

The supermarket, specialty retail stores and restaurant will all be operational upon the completion of Stage 1. **Figure 3** illustrates the proposed Stage 1 retail centre layout.

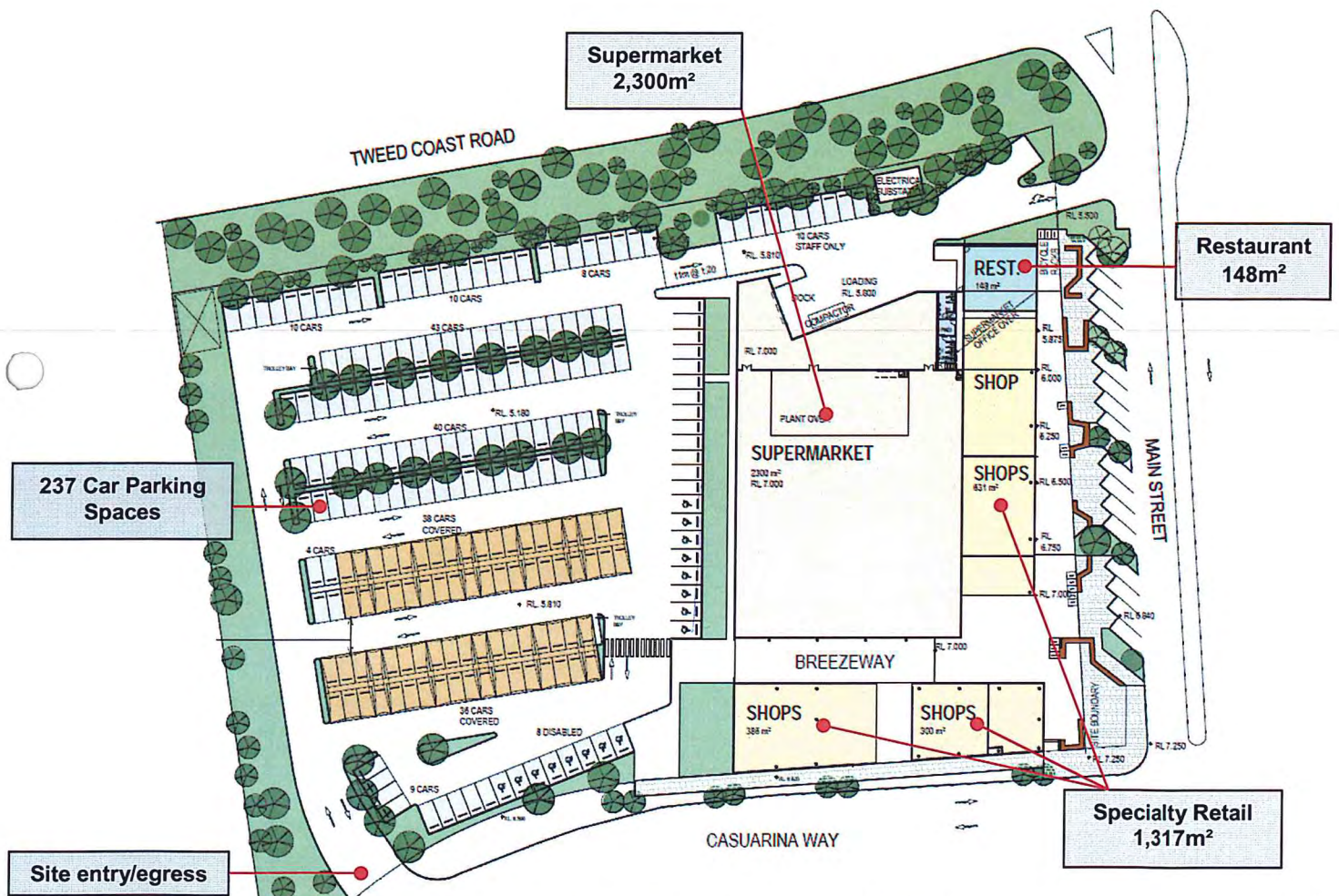


Figure 3: Retail Centre Layout – Proposed Stage 1

Stage 2 involves a 1,000m² expansion of supermarket GFA and a further 264m² of specialty retail GFA. The southerly expansion of the supermarket building will result in consequential adjustments to the existing car parking arrangement, including the loss of 21 car parking spaces adjoining the building's southern boundary. An additional 25 car parking spaces are proposed to be created along the southern site boundary. **Figure 4** illustrates the proposed Stage 2 retail centre layout.

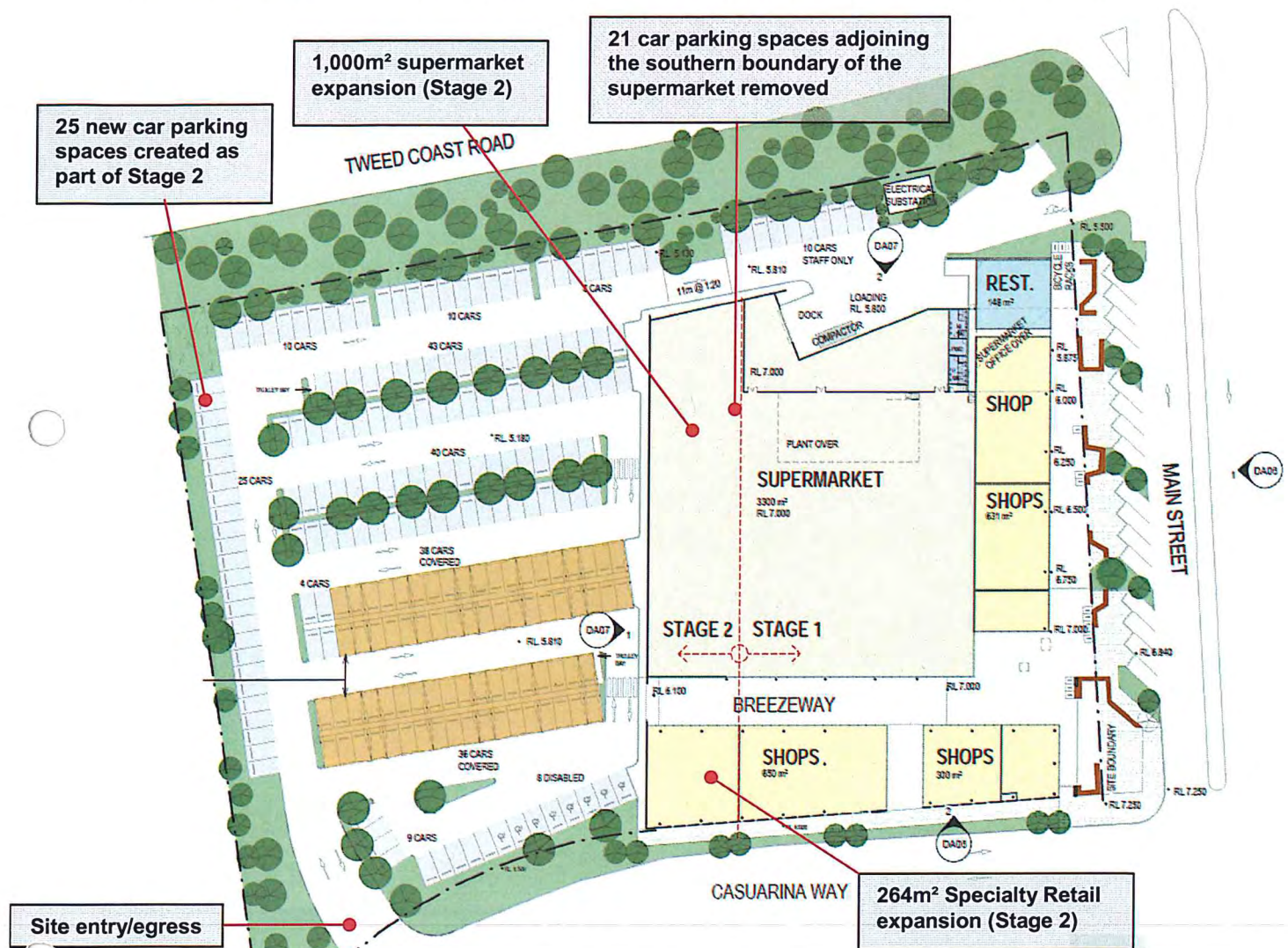


Figure 4: Retail Centre Layout – Proposed Stage 2

3. STATUTORY CONTEXT

Approval of Major Project 06_0258 was granted in accordance with Part 3A under Sections 75O and 75J of the EP&A Act. Section 75W of the EP&A Act provides for the modification of the Minister's approval.

Pursuant to Section 75W(2) of the EP&A Act, the proponent may request the Minister to modify the approval of a project. Any request is to be lodged with the Secretary. A copy of the proponent's modification request is included at **Appendix C**.

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of environmental assessment requirements (SEARs) with respect to the proposed modification. Following an assessment of the modification request, it was considered that SEARs were not required.

Under Section 75W(4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The following report outlines the Department of Planning & Environment's (DP&E) assessment of the modification request.

3.1 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011, the functions and powers of the Minister for Planning to determine section 75W modification requests may be delegated to the Director – Industry, Key Sites & Social Projects whereby:

- the relevant local council has not made an objection to the proposal;
- a political donations disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

Council has not objected to the proposal, a political disclosure statement has not been made and less than 10 public submissions in the nature of objections were received. The Director – Industry, Key Sites & Social Projects may therefore determine the modification request under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Public Exhibition

The modification request was publicly exhibited for 30 days from 4 March 2014 to 2 April 2014. Notification of the exhibition, including information on how to make a submission was circulated in local publications Tweed Border Mail, Tweed Sun and Tweed Link. The modification request was made available on DP&E's website, and at the following exhibition locations:

- The Department of Planning & Environment – Information Centre, 23-33 Bridge Street, Sydney;
- Tweed Shire Council – 10-14 Tumbulgum Road, Murwillumbah; and
- Tweed Shire Council – Brett Street, Tweed Heads.

4.2 Public Authority Submissions

The modification request was referred to Tweed Shire Council (council) inviting comment on any issues or requirements. Council provided the following comments:

- vehicular parking provisions for the site should be considered as part of the department's assessment;
- the disabled car parks on the car parking plan do not comply with the Australian Standards (AS 2890.6 – off street parking for people with a disability); and
- it is recommended that a wider road width be considered within the car parking area given it will become a high turnover area.

A copy of council's submissions is included at **Appendix D**.

4.3 Public Submissions

One public submission in support of the modification was received. The submission considered the proposal would positively contribute to the coastal strip through the provision of extra facilities for existing residents, increased property prices, and increased employment opportunities.

A copy of the public submission is included at **Appendix D**.

5. ASSESSMENT

The department has assessed the following key issues associated with the proposed modification:

- increased GFA of the retail centre;
- revised car parking and increased traffic generation; and
- a requested concession toward Section 94 monetary contributions.

5.1 Increased Gross Floor Area of the Retail Centre

The retail centre (Lot 1) was approved as part of the Stage 1 project approval, shown at **Figure 2** above. Approval of the retail centre originally incorporated a total GFA of 4,301m² which included a 2,500m² supermarket. As part of MOD 3, the total GFA was reduced, including a 200m² reduction of the approved supermarket. The reduction in GFA was requested at the time to satisfy the needs of the supermarket tenant.

The proponent now seeks to increase the total GFA of the retail centre involving an additional:

- 1,000m² of supermarket GFA; and
- 581m² of specialty retail GFA.

The retail centre is proposed to be developed in two stages. Proposed Stage 1 essentially comprises what is currently approved, with the exception being an additional 317m² of specialty retail and a 12m² reduction of restaurant GFA. The supermarket (2,300m²), specialty retail (1,317m²) and restaurant (148m²) will all be operational upon completion of Stage 1.

Proposed Stage 2 involves a 1,000m² expansion of the supermarket and a further 264m² of specialty retail. The proponent has advised that timing of the Stage 2 expansion will occur subject to market demand and the rate of population growth of the surrounding area. **Figures 3** and **4** above illustrate the proposed retail centre layout for proposed Stages 1 and 2 respectively.

Table 2 provides a GFA comparison of the approved retail centre (as modified as part of MOD 3), compared to the GFA proposed as part of this modification request.

Table 2: Gross Floor Area Comparison – Retail Centre

Use	Approved Area (m ²) MOD 3	Proposed Stage 1 (m ²) MOD 7	Proposed Stage 2 Expansion (m ²) MOD 7	Proposed Total Area (m ²) MOD 7
Supermarket	2,300	2,300	1,000	3,300
Specialty Retail Shops	1,000	1,317	264	1,581
Restaurant	160	148	0	148
Total 'Retail' GFA	3,460m²	3,765m²	1,264m²	5,029m²
Office Use	200	200	0	200
Storage and Amenities	45	45	0	45
Overall GFA	3,705m²	4,010m²	1,264m²	5,274m²

Economic Impact

The proponent engaged MarcoPlan Dimasi to undertake an Economic Impact Assessment (EIA) of the proposed retail GFA expansion. The EIA is submitted as part of the application.

The EIA considered the limited supply of supermarket GFA in the area does not satisfy current demand levels generated by the trade area population. It is noted that the primary trade area extends 5km north and south of the site respectively, and includes the Kings Forest residential subdivision site which was granted Stage 1 project approval for 376 residential lots in August 2013 (and has concept approval for 4,500 dwellings in total). The site's primary trade area and adjoining secondary north and south trade areas are shown at **Figure 5** below.

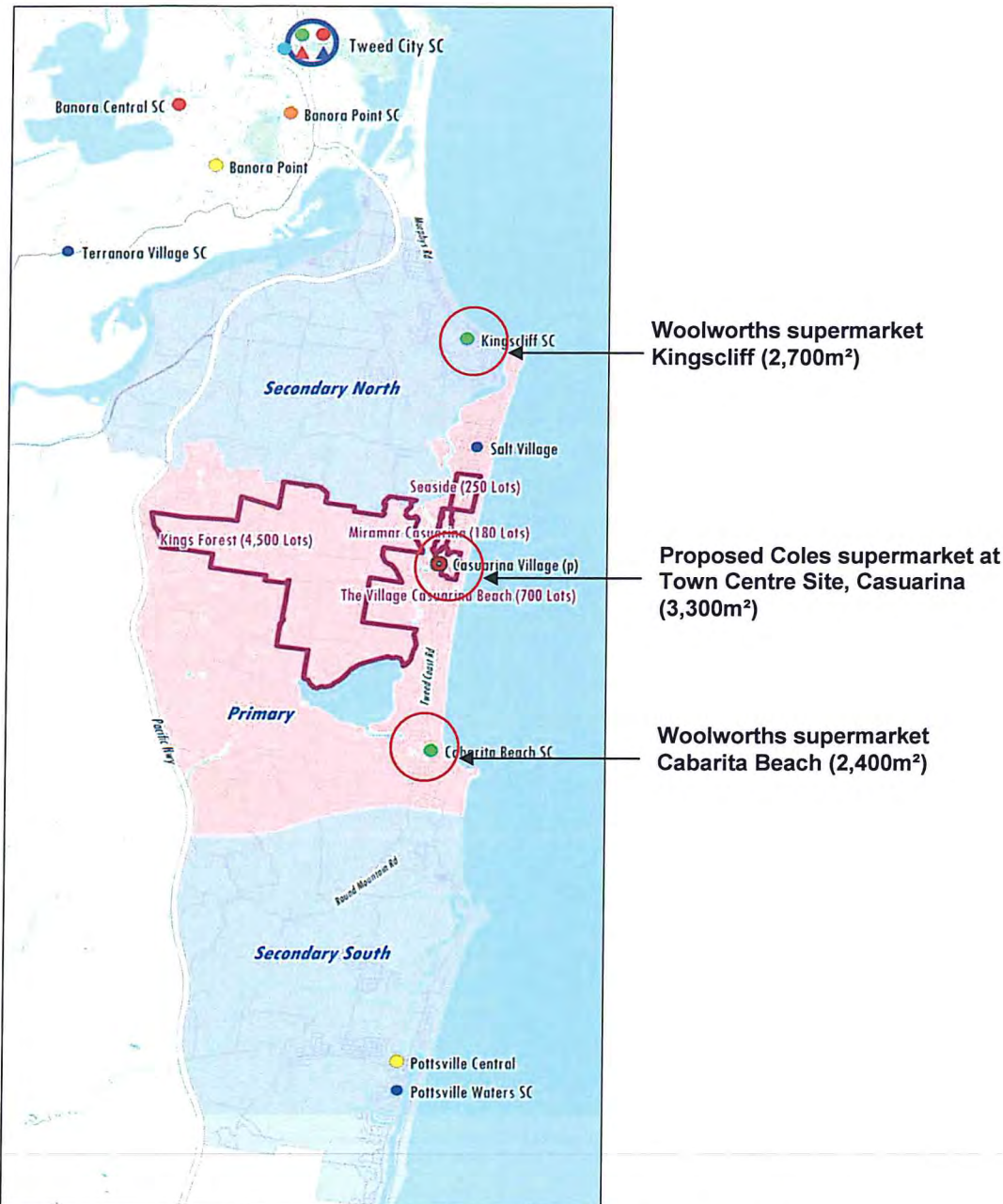


Figure 5: Primary and Secondary Trade Areas – Casuarina and surrounds

The EIA notes that both the primary and secondary trade area's collective population is estimated to grow at an average rate of 2.3% annually to contain 29,320 residents by 2026, of which 9,950 residents will reside in the primary trade area.

There are two existing larger-scale supermarkets within the overall trade area including a 2,700m² Woolworths supermarket in Kingscliff (within the secondary north trade area), and a 2,400m² Woolworths supermarket at Cabarita Beach (in the southern portion of the primary trade area). The general location of these centres is shown at **Figure 5** above.

The EIA considered the bulk of the retail centre/supermarket sales would be drawn from within the primary trade area, however, it would also represent an appealing choice for some customers from both the secondary north, and in particular, the secondary south sectors to make use of the centre at Casuarina.

The EIA concluded that the proposed extension of retail GFA was appropriate and supportable. The EIA states that a larger centre will generate more employment and provide greater choice and convenience for residents of the Casuarina area. Any impacts on the surrounding retail network were considered to be negligible and expected to dissipate within one to two years based on the projected population growth of the region.

Council did not raise concern in its submission regarding the proposed GFA increase of the retail centre or possible economic implications on existing retail in the region.

Department's Consideration

DP&E is satisfied with the conclusions contained in the EIA. It is considered that the proposed increase in retail GFA can be sustained as a result of projected population growth in the primary trade area and will not result in the saturation of retail GFA within the locality. Furthermore, the modification proposes a staged expansion of the retail centre, with Stage 2 commencing only once the demand for additional supermarket and retail GFA is generated. DP&E subsequently supports the proposed retail centre increase.

5.2 Revised Car Parking and Increased Traffic Generation

Car Parking

In accordance with the Stage 1 project approval, the retail centre is required to provide 220 car parking spaces. Condition B19 requires car parking to be provided in accordance with council's Development Control Plan A2 – Site Access and Car Parking Code (DCP A2).

The modification proposes 237 car parking spaces as part of Stage 1. The Stage 2 expansion proposes the removal of 21 existing car parking spaces (including eight disabled car parking spaces) which are proposed adjoining the supermarket's southern boundary. The removal of these car parking spaces will provide space for the proposed 1,000m² expansion of the supermarket (Stage 2). To compensate the loss of these spaces, an additional 25 car parking spaces are proposed to be created adjoining the retail centre's southern site boundary, in a location that will initially be landscaped as part of Stage 1. **Figures 3 and 4** depicts the location of car parking proposed to be removed and created, respectively, as part of Stage 2.

Tables 3 and 4 below provide an analysis of the required number of car parking spaces for the retail centre in accordance with the car parking rates specified in DCP A2 for each stage.

Table 3: Required Customer and Staff Car Parking (Tweed DCP) – Retail Centre Proposed Stage 1

Use	GFA (m ²)	Car Parking Spaces (as per DCP A2)	Minimum Requirement	Stage 1 Provision
Supermarket	2,300	4.4 per 100m ²	101	-
Specialty Retail Shops	1,317	4.4 per 100m ²	58	-
Restaurant	148	1 per 7m ² dining area	15	-
* Staff (including 200m ² of ancillary office space)			46	-
Disabled Car Parking		1 per 30 spaces	7.3	16
Total – Stage 1	3,765m²		220	237

* Staff car parking is calculated at a rate of 1 car space/100m² of retail GFA and 1 car space/40m² of office GFA

Table 4: Required Customer and Staff Car Parking (Tweed DCP) – Retail Centre Proposed Stage 2

Use	GFA (m ²)	Parking Rate (as per DCP A2)	Minimum Requirement	Stage 2 Provision
Supermarket	3,300	4.4 per 100m ²	145	-
Specialty Retail Shops	1,581	4.4 per 100m ²	70	-
Restaurant	148	1 per 7m ² dining area	15	-
* Staff (including 200m ² of ancillary office space)			59	-
Disabled Car Parking		1 per 30 spaces	9.6	8
Total – Stages 1 & 2	5,029m²		289	241

* Staff car parking is calculated at a rate of 1 car space/100m² of retail GFA and 1 car space/40m² of office GFA

Stage 1 of the retail centre proposes 237 car parking spaces – 17 spaces above the minimum requirement specified in DCP A2. DP&E is satisfied sufficient car parking will be provided as part of Stage 1.

Stage 2 involving a further 1,264m² of retail GFA proposes only four additional car parking spaces. A total of 241 car parking spaces are proposed – 48 spaces less than the minimum requirement specified in DCP A2.

DCP A2 contains a car parking relaxation policy which allows for reduced car parking requirements for developments that support council's Strategic Plan, environmentally sustainable development (ESD) principles and reduced car dependency. The policy allows for customer and staff car parking provisions to be reduced to 80% of the specified trip generation rates. Should the relaxation policy be applied to Stage 2 of the retail centre, the minimum car parking requirement would be 231 car parking spaces and the development would subsequently comply with the requirements of DCP A2.

The proponent argues that the retail centre contributes to ESD principles and reduced car dependency through:

- the provision of 35 bicycle parking stations proposed within the retail centre;
- the provision of public transport routes directly adjoining the development (Casuarina Way is identified as a future public bus route);
- the location and design of the retail centre within walking distance for future residents within the town centre site; and
- the creation of pedestrian and cyclists pathways which connect to established networks.

Council did not raise concern in its submission regarding the application of DCP A2's car parking relaxation policy to the development.

Disabled Car Parking

A total of 16 disabled car parking spaces are proposed for Stage 1 of the retail centre, which will be reduced to eight spaces as part of the Stage 2 expansion. Council did not raise concern in regards to the proposed number of disabled car parking spaces. However, it was advised that the width of the proposed disabled car parking spaces do not comply with Australian Standards AS2890.6 – *Off street parking for people with disabilities* (AS2890.6). AS2890.6 requires a 2.4m wide parking bay plus an adjacent clear space of 2.4m in width (this space can be shared between two disabled car parking bays).

The proponent advised that the disabled car parking spaces have been designed with a width of 2.7m and that there is sufficient space to adjust the car parking arrangement to comply with the relevant standards. Compliance with the relevant standards will be a matter of consideration for the Principal Certifying Authority (PCA) prior to issuing a construction certificate for the retail centre.

Department's Consideration

DP&E is of the view that the proposed development meets the requirements of DCP A2's relaxation policy for reduced car parking as the development positively contributes to ESD principles, as outlined above. Furthermore, Stage 1A of the town centre development includes the provision of 32 on-street car parking spaces (including four disabled car parking spaces) along the Boulevard Road immediately adjoining the retail centre to the north. Although these additional spaces are provided to service the entire town centre site, including the adjoining commercial lot to the north, it is considered that these car parking spaces will also be available for use by retail centre customers. DP&E considers that sufficient car parking is proposed to service both Stages 1 and 2 of the retail centre.

In regards to the width of disabled car parking spaces, DP&E is satisfied that sufficient space is allocated in the submitted plans and that the detailed design of these spaces can be dealt with at construction certificate stage, which requires approval of the PCA. In addition, DP&E notes that Condition B19 – *Car Parking* requires disabled car parking to be provided in accordance with DCP A2. However, DCP A2 makes reference to a superseded version of AS2890.6 (AS2890.1 is currently referenced). Condition B19 is therefore recommended to be modified to delete the requirement for disabled car parking to be provided in accordance with DCP A2, to be replaced with AS2890.6. Council has indicated support for the recommended amendment.

Increased Traffic Generation

DP&E requested the proponent provide an assessment of impacts associated with increased traffic generated as a result of an additional 1,264m² of retail GFA. It was requested that the assessment consider impacts at:

- the intersection of Tweed Coast Road and the Boulevard Road;
- the intersection of The Boulevard Road and Casuarina Way roundabout; and
- at the retail centre entry/egress point at Casuarina Way.

The proponent subsequently engaged Cardno Eppell Olsen (Cardno) to undertake a traffic assessment and review of potential impacts at the abovementioned intersections. Cardno also undertook the 2008 Traffic Impact Study (TIS) which was submitted as part of the Environmental Assessment for the Stage 1 project application. The trip generation rates utilised in the 2008 TIS were also utilised in Cardno's assessment of the modification request. The trip generation rates are predicted based on the following estimates:

- shopping centre – 12 vehicles per hour (vph) for every 100m² of GFA;
- specialty retail – 10 vph for every 100m² of GFA; and
- restaurant – 5 vph for every 100m² of GFA.

In accordance with the above trip generation rates, the retail centre as currently approved comprising 3,460m² of retail GFA is predicted to generate 392 vph.

Should the proposed modification involving a further 1,569m² of retail GFA be approved, an additional 177 vpd is predicted. DP&E notes that Cardno has calculated the trip generation rate based on 4,960m² of retail GFA, when in fact 5,029m² of retail GFA is proposed. The 69m² excluded from Cardno's estimate would contribute a further 7 vph, marginally increasing the predicted trip generation rate of 562 vph to 569 vph.

The 2008 TIS assumed the retail centre would comprise 8,163m² of supermarket GFA and 3,700m² of specialty retail GFA. These assumptions were based on the potential ultimate yield of the site with the possibility the retail centre would comprise two-storeys. Consequently, the conclusions and recommendations of the 2008 TIS related to a retail precinct that is significantly greater than what is now proposed.

The 2008 TIS concluded that there did not appear to be any inherent safety problems with the proposed street network. Cardno's assessment of the predicted increase in traffic generated by the proposed modification concluded that the identified intersections in the vicinity of the site could adequately cater for the projected traffic numbers generated by the development.

Council did not raise concern in regards to the increase in traffic generated by the proposed modification.

Department's Consideration

The traffic assessment provided by Cardno predominately makes reference to the 2008 TIS commissioned by the proponent for the Stage 1 project application. DP&E acknowledges that this assessment made assumptions based on a retail centre significantly larger than what is

currently proposed for the site, and also assessed traffic generation based on a higher rate of 12 vph for the entire retail centre. Taking this into consideration, DP&E is satisfied that the proposed 1,569m² increase in retail GFA proposed as part of the modification will not substantially impact on the existing intersections or the surrounding road network beyond a level that was assessed, and ultimately approved, as part of the original project application.

5.3 Section 94 Monetary Contribution Concessions

In accordance with Condition E21 – *Section 94 Monetary Contributions*, the proponent is to provide council \$1,555,704 toward road infrastructure contributions for the Stages 1 and 2 retail and commercial components of the development. As part of the modification, the proponent has requested the contribution rates be modified to reflect amendments that are proposed by council to Section 94 Plan No 4 – Tweed Road Contribution Plan (CP4).

Under Section 3.1 of CP4, council offers a concession of up to 40% of the total contributions payable for job creating commercial developments. Coastal development between Kingscliff and Bogangar (including Casuarina) are, however, exempt from the concession as development within this precinct was considered by council (at the time of adoption of CP4 in 1997) to have already benefited from a State government grant towards the construction of Old Bogangar Road and the relocation of Tweed Coast Road. The coastal strip between Kingscliff and Bogangar was essentially excluded to prevent developers from 'double dipping' by obtaining infrastructure benefits provided for by the State government grant, whilst also benefiting from the CP4 concession.

On 20 February 2014, a Notice of Motion (NoM) was put before council to review the exclusion of the coastal strip between Kingscliff and Bogangar from the commercial job generating development concessions offered under CP4 (refer **Appendix E**).

On 10 April 2014, council resolved to publicly exhibit the proposed amendments to CP4 to allow commercial job generating developments between Kingscliff and Bogangar to benefit from the concession (refer **Appendix E**). Council's Response to the NoM report states that "*it is no longer considered reasonable to continue to exclude the coastal development area between Kingscliff and Bogangar from the job creation concessions enjoyed by all other areas, on the basis of a State government grant obtained around 20 years ago*". The report recommends that the concession exemption be removed on the basis of equity and existing business incentive policies of council.

Department's Consideration

DP&E recognises that council's decision to exhibit the proposed amendments to CP4 and the required statutory process to formalise the amendments may take several months to finalise. On the basis of council's recommendation to allow commercial job creating developments between Kingscliff and Bogangar to benefit from the existing CP4 concession, DP&E supports the proponent's request to amend the CP4 contribution rate specified under Condition E21.

Amended contribution rates reflecting the 40% reduction of the contributions payable under CP4 were provided by council. The finalised contribution rates are outlined in the attached modifying instrument at **Appendix B**.

The Section 64 monetary contributions required under Condition E22 have also been updated to reflect the proposed increase in retail GFA.

5.4 Other Issues

DP&E's assessment of other issues, including minor amendments to the retail centre design and timing of construction of the approved retaining wall adjoining the site are discussed in **Table 5** below.

Table 5: Assessment of Other Issues

Issue	Consideration	Recommendation
Minor design amendments to the retail centre	<ul style="list-style-type: none"> Minor design amendments include: <ul style="list-style-type: none"> a slight revision of precast panels in their joint expression; the inclusion of slot viewing windows for shops fronting Casuarina Way; and the distribution of bicycle parking throughout the retail centre. No change is sought to the overall design, building materials or character of the retail centre building. 	<ul style="list-style-type: none"> No issues are raised in response to the proposed design amendments.
Adjustments to the timing of provision of a retaining wall	<ul style="list-style-type: none"> The approved retaining wall adjoining the southern boundary of the retail centre will not be constructed until such time that Stage 2 of the retail centre occurs. A copy of the MOD 2 approved plan showing a cross-section of the retaining wall is provided at Appendix C. Detailed design drawings of the retaining wall will be required prior to the issue of a Construction Certificate for Stage 2 of the retail centre, which will be submitted to and approved by the PCA. 	<ul style="list-style-type: none"> No issues are raised in response to the proposed retaining wall adjoining Lot 1.

6. CONCLUSION AND RECOMMENDATIONS

DP&E is satisfied that the proposed amendments are adequately justified in this report, and will not result in additional environmental, social, or economical implications on the site or surrounding locality. Consequently, DP&E is satisfied that the proposed modifications should be approved.

It is recommended that the Director – Industry, Key Sites & Social Projects, as delegate of the Minister for Planning:

- approve the proposed modification under section 75W of the EP&A Act to the concept plan approval by signing the Instrument of Approval included at **Appendix A**; and
- approve the proposed modification under section 75W of the EP&A Act to the Stage 1 project approval by signing the Instrument of Approval included at **Appendix B**.

Prepared by:



Brent Devine
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Endorsed by:



Chris Ritchie
Manager
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APPENDIX A

MODIFYING INSTRUMENT – CONCEPT PLAN APPROVAL 06_0258 MOD 7

APPENDIX B

MODIFYING INSTRUMENT – STAGE 1 PROJECT APPROVAL 06_0258 MOD 7

APPENDIX C

SECTION 75W MODIFICATION REQUEST – BBC CONSULTING PLANNERS – DECEMBER 2013

**TECHNICAL MEMORANDUM (TRAFFIC IMPACTS REVIEW – CARDNO EPELL OLSEN) AND LAND OWNERS
CONSENT – 5 FEBRUARY 2014**

**TECHNICAL MEMORANDUM (SECTION 94 MONETARY CONTRIBUTIONS REVIEW) – CARDNO EPELL OLSEN –
19 FEBRUARY 2014**

**APPROVED PLAN DA122 (APPROVED AS PART OF MOD 2) SHOWING PROPOSED RETAINING WALL ADJOINING
THE RETAIL CENTRE (LOT 1)**

APPENDIX D

TWEED SHIRE COUNCIL – SUBMISSION 1 – 9 APRIL 2014

ANONYMOUS PUBLIC SUBMISSION – 6 MARCH 2014

Council Reference: DA10/0222.14 LN44549
Your Reference: MP_0258 MOD 7



Customer Service | 1300 292 872 | (02) 6670 2400

9 April 2014

Department of Planning and Infrastructure
Industry, Social Projects and Key Sites
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Please address all communications
to the General Manager

ABN: 90 178 732 496

Attn: Brent Devine

Dear Sir/Madam

Development Application DA10/0222.14 - amendment to Development Consent DA10/222 for Casuarina Town Centre including 56 lot subdivision, road works, infrastructure works and landscaping (Department of Planning Application 06_0258 Mod 7) at Lot 13 DP 1014470; Casuarina Way CASUARINA; Lot 144 DP 1030322 & Lot 144 DP 1030322 & Lot 3 DP 1042119; Tweed Coast Road CASUARINA

Reference is made to the Casuarina Town Centre Major Project (MP06_0258 Mod 7) modification currently under consideration. Council officers have reviewed the submitted information and provide the following comments with respect to same.

Planning comments

From a planning perspective it is noted that the application includes the following modifications;

- 1,000sqm increase in gross floor area of the supermarket mainly to the south,
- 581sqm increase in gross floor area of specialty retail,
- Amended car parking arrangements within the retail centre (increase from 220 to 241 spaces),
- Increase in the amount of specialty shops,

With respect to this, it is advised that Council officers have not undertaken a full assessment of the application but it is requested that NSW Planning and Infrastructure review the application in particular with respect to vehicular parking provision on site.

Development Engineering Comments

I refer to the above application for the amendments to the retail centre of the Casuarina Town Centre Major Project and provide the following comments:

1) The technical memorandum car parking assessment specifies that ten (10) disabled car parks are required for the proposed Casuarina retail centre. The car parking plan "Site Plan and Schedules Stage 2" details only eight (8) disabled car parks provided.

2) The disabled car parks as detailed on the car parking plan do not comply with Australian Standards AS 2890.6 – off street parking for people with disabilities. The disabled car park design used for the shopping centre should only be used for on street car parking.

3) The technical memorandum car parking assessment provides car parking design requirements as below:

Minimum car parking bay size is 5.4m x 2.6m and a minimum parking aisle width of 5.4m for general parking. For straight circulation roadway, the minimum width is 5.5m. However it is recommended to use a wider roadway (around 6.2m) as it is a high turnover area.

Shopping centres are defined as short term / high turnover parking and are classed as 3A in Table 1.1 – AS2890.1. Car parking dimensions for class 3A parking is 5.4m x 2.6m

Public Comments

Please note that Council has received an unsolicited submission with respect to development on the Casuarina Coles site. This submission is forwarded for your consideration.

For further information regarding this matter please contact David O'Connell on (02) 6670 2661.

Yours faithfully


Colleen Forbes

Co-ordinator Development Assessment

Enc: Copy of Submission

Brent Devine

From: [REDACTED]
Sent: Thursday, 6 March 2014 1:06 PM
To: Brent Devine
Subject: Submission Details for [REDACTED]



Confidentiality Requested: yes

Submitted by a Planner: no

Disclosable Political Donation: no

Name: [REDACTED]

Email: [REDACTED]

Content:

The proposal will be a positive for the coastal strip for the following reasons.

- Facilities for existing residence.
- Increased property prices within the area.
- Employment opportunities.

APPENDIX E

TWEED SHIRE COUNCIL – NOTICE OF MOTION – 20 FEBRUARY 2014

**TWEED SHIRE COUNCIL – RESOLUTION TO PUBLICLY EXHIBIT AMENDMENTS TO THE TWEED ROAD
CONTRIBUTION PLAN – 10 APRIL 2014**

25 [E-CM] Response to Notice of Motion - Tweed Road Contribution Plan

SUBMITTED BY: Planning and Infrastructure

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.5 Provide vibrant and accessible town, community and business centres
- 2.5.2 Facilitate the development of a network of neighbourhood centres and community places to meet the needs of local residents

SUMMARY OF REPORT:

At the February 2014 meeting Council resolved:

*Report To Council
Meeting 10/4/2014*

* *"that the exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the Tweed Roads (sic) Contribution Plan be reviewed by Council officers and a report brought back to a future Council meeting."*

This report is provided in response to that resolution.

Based on a review of the plan's history, the exclusion of coastal development between Kingscliff and Bogangar, including the South Kingscliff / Casuarina area, is no longer considered to be reasonable, given the passing of time and changed development landscape. Further, similar exclusions of Bilambil Heights and Cobaki are also no longer considered reasonable. As such, amendment to CP4 Tweed Road Contribution Plan (TRCP) is recommended, subject to the statutory public exhibition and reporting process.

Amendments to the TRCP (draft Version 6.2) are detailed in this report.

RECOMMENDATION:

That draft Version 6.2 of Section 94 Plan No. 4 Tweed Road Contribution Plan, containing the amendments detailed in this report, be placed on public exhibition.

REPORT:

Section 94 Plan No.4 Tweed Road Contribution Plan (TRCP) enables Council to levy developer contributions for the provision of additional road capacity to service urban growth. It ensures that the existing community is not burdened by the provision of distributor road infrastructure required as a result of future development demands.

The TRCP commenced in 1997, and has been subject to several reviews.

At the February 2014 meeting Council resolved unanimously as follows, in response to a Notice of Motion:

RESOLVED that the exclusion of the South Kingscliff/Casuarina area from the employment generating development concessions in the Tweed Roads (sic) Contribution Plan be reviewed by Council officers and a report brought back to a future Council meeting.

This follows correspondence in November 2013 from the development company Consolidated Properties, requesting that Council amends the TRCP to reduce the financial impact it has on the proposed development of the Town Centre at Casuarina, by applying the concession for "commercial job creating developments".

Existing Concessions

The current TRCP Version 6.1.2, Section 3.1 provides the following concessions:

Council Policies

A) **Concessions:**

A concession is offered to all commercial job creating **developments (not including detached housing and unit developments)**, across the Shire except in the following areas:

- i) coastal development between Kingscliff and Bogangar (Sector 7): Casuarina, Kings Forest, Salt, and the 'Tourist Property' (Lot 490 DP 47021); and
- ii) developments in Bilambil Heights and Cobaki.

The concession is not available for developments exploiting 'existing use rights' as defined in Clause 3.6.1, and nor can Local Area Contributions be discounted by the concession.

The offer by Council stands at forty percent (40%), and Council may review the concession on an annual basis at 1st July each year.

B) **Deferred Payments:**

Council accepts staged payment of commercial contributions: four equal payments over

, and fifty percent (50%), for eligible businesses that are issued with an Occupation Certificate in the period 1/1/2013 - 31/12/2013.

The 40% concession has been applied since the original 1997 version. The following explanation to the exclusion of coastal development between Kingscliff and Bogangar, including South Kingscliff / Casuarina, is provided in the adoption report of 18 June 1997:

"2.2.2 **Containment of Employment**

The TRCP could have a significant influence on this economic parameter. The Tweed Development Program is to be amended to indicate that Council has a 'job containment policy' which promotes permanent job creating commercial developments. The proposal is to allow a forty percent (40%) concession in TRCP charges for commercial developments...

The benefit will apply for all commercial developments in the Shire except in those instances where assistance is already available or previously provided, and therefore would not apply to:

- a) coastal development between Kingscliff and Bogangar (Sector 7): Kings Beach, Kings Forest, Sahben, and the 'Tourist Property' (Lot 490 DP 47021); These developments already benefit from the State Government grant of \$2.2M towards the construction of Old Bogangar Road and the relocation of the Tweed Coast Road. This grant effectively removes the private agreement between the above parties to build this corridor;
- b) developments in Bilambil Heights and Cobaki who will gain from the benefit of the construction of Lakes Drive Bridge prior to receipt of all related contributions;
- c) developments which exploit 'existing use rights'; and
- d) local area contributions; the Local Area Contribution Funds will have a shortfall if the job containment concession is applied."

It appears that the original authors of the TRCP were concerned about developers "double dipping" by receiving infrastructure benefits paid for by the community while also paying a reduced contribution towards the consumption of road capacity by their developments.

While it is difficult to relate to all of the logic and negotiations that were no doubt involved in these previous decisions, on review it is no longer considered reasonable to continue to exclude the coastal development area between Kingscliff and Bogangar from the job creation concessions enjoyed by all other areas, on the basis of a State Government grant obtained around 20 years ago. It is therefore recommended that this exclusion from concessions be lifted, allowing the Casuarina Town Centre and other commercial development sites in Casuarina, Kings Forest, Salt, Seaside and potentially Lot 490 access to the 40% concession on TRCP contributions.

Further, the exclusion of Bilambil Heights and Cobaki from the concession is no longer relevant given their exclusion appears to be based on the public funding of the Lakes Drive Bridge. This link between Kirkwood Road west across to Lakes Drive in Tweed Heads West is no longer contained in Council's road network planning, and was deleted from the TRCP works program in 2007 (Version 5.0). It is therefore recommended that the exclusion of these localities also be lifted by amending Clause 3.1.

No changes are proposed to the concession exclusions for development under "existing use rights" or where Local Area Contributions apply.

The above amendments address the current inequity in the application of this concession which aims to assist the development of job creating commercial enterprises, which are due to historical circumstances that are no longer considered relevant in today's development landscape.

Proposed Amendments to draft TRCP Version 6.2

It is proposed to amend Section 3.1 of the TRCP as follows, as the basis of draft Version 6.2:

"Council Policies

A) Concessions:

A concession is offered to all **commercial job creating developments (not including detached housing and unit developments)**, across the Shire. ~~except in the following areas:~~

- ~~i) coastal development between Kingscliff and Bogangar (Sector 7): Casuarina, Kings Forest, Salt, and the 'Tourist Property' (Lot 490 DP 47021); and~~
- ~~ii) developments in Bilambil Heights and Cobaki.~~

The concession is not available for developments exploiting 'existing use rights' as defined in Clause 3.6.1, and nor can Local Area Contributions be discounted by the concession.

The offer by Council stands at forty percent (40%) and Council may review the concession on an annual basis at 1 July each year."

Concession Amount

Version 6.1.2 specifies that a 50% concession was applicable for eligible businesses that were issued with an Occupation Certificate for the period 1/1/2013 to 31/12/2013. Council should note that this larger concession has now lapsed, and may wish to review it as part of draft Version 6.2.

OPTIONS:

1. To accept draft TRCP Version 6.2 as detailed in this report as the basis for public exhibition and comment;
2. To accept draft TRCP Version 6.2 with further amendments as the basis for public exhibition and comment;
3. To retain the current TRCP Version 6.1.2.

Option 1 is the recommendation of this report.

CONCLUSION:

The current exclusion of the coastal development area between Kingscliff and Bogangar, including South Kingscliff / Casuarina, from job creating concessions under Version 6.1.2 of the TRCP is no longer considered relevant, as these exclusions were based on the funding of projects many years ago, and hold limited relevance to the current development landscape. Amendment to Section 3.1 of the TRCP is recommended, with these amendments to also remove Bilambil Heights and Cobaki areas from the concession exclusions.

COUNCIL IMPLICATIONS:

a. Policy:

CP4 - Tweed Road Contribution Plan

b. Budget/Long Term Financial Plan:

Under TRCP Version 6.1.2, South Kingscliff / Casuarina falls within Sector 7 - Duranbah / Cabarita. This area attracts a Standard Contribution of \$1,186 per trip end. The area of Casuarina south of Dianella Drive (which includes the Town Centre site) attracts an additional Local Area Contribution (LAC) of \$174 per trip end towards intersection works on Tweed Coast Road (total contribution rate = \$1,186 + \$174 = \$1,360).

The amendments would reduce TRCP contributions by 40% for eligible commercial development, amounting to a reduced Standard Contribution of \$711.60 per trip end. As the LAC is not eligible for concessions, the total contribution rate in the LAC area would be \$711.60 + \$174 = \$885.60 per trip end.

For a development such as the Town Centre, the application of the concession represents considerable savings, and a loss of potential income for Council.

EXAMPLE CALCULATIONS (FOR COMPARISON PURPOSES ONLY)

Current approvals for the Town Centre are based around a trip generation of 1,143.9 trips from the commercial component (this is subject to current modification applications, so may change).

Using this example, the TRCP contribution payable for the combined Standard Rate + LAC is about \$1.55 million.

By applying the 40% concession to the Standard Rate, but not the LAC, the TRCP contribution is reduced to around \$1.01 million. The developer benefits to the tune of \$540,000, at the expense of TRCP income. However this reduction in contributions is available to other eligible commercial developments across the LGA (a recent example being the Woolworths supermarket development in Cabarita Beach), and will obviously make the development of the Town Centre more viable for the developer, with positive flow on to local employment and services to the local community likely.

The reduction of TRCP income has been considered in the context of equity and existing business incentive policies of Council, and removal of the concession exemption remains the recommendation.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil

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1. Council awards contract EC2014-044 Captain Cook Memorial and Lighthouse - Marine Rescue Point Danger Communications Centre to Australian Prestressing Structures Pty Ltd to the value of \$120,570.16 (Excl. GST).
2. The General Manager is given delegated authority to approve variations up to 10% of the initial contract sum to a maximum of \$150,000 and those variations be reported to Council following completion of the tendered works/services.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret.

The Motion was **Carried**

FOR VOTE - Unanimous

25 [E-CM] Response to Notice of Motion - Tweed Road Contribution Plan

224

Cr C Byrne
Cr K Milne

RESOLUTION
10/4/2014



RESOLVED that draft Version 6.2 of Section 94 Plan No. 4 Tweed Road Contribution Plan, containing the amendments detailed in this report, be placed on public exhibition.

The Motion was **Carried**

FOR VOTE - Unanimous

26 [E-CM] Mandating Sustainable Water Conservation Measures

225

Cr P Youngblutt
Cr W Polglase

PROPOSED that Council receives and notes the report on Mandating Sustainable Water Conservation Measures.

AMENDMENT

226

APPENDIX F

PROPOSED PLANS

APPENDIX G

CONSOLIDATED INSTRUMENT – CONCEPT PLAN APPROVAL – 06_0258 MOD 7

Concept Approval

Section 750 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979*, determine:

- Under Section 750 of the *Environmental Planning & Assessment Act 1979*, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- Under Section 75P(1)(c) of the *Environmental Planning & Assessment Act 1979*, that the Stage 1 project requires no further environmental assessment;
- Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and be subject to the requirements set out in Part C of Schedule 2; and
- Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development be subject to the requirements set out in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These modifications are required to:

- Adequately mitigate the environmental impact of the concept plan;
- Maintain the amenity of the local area; and
- Encourage the orderly future development of the site.

The Hon Kristina Keneally MP
Minister for Planning

Sydney, 2009

S75W approved by the Acting Director, Regional Projects on 17 June 2010 (06_0258 MOD 1).

S75W approved by the Director General on 1 July 2011 (06_0258 MOD 2).

S75W approved by the Director, Metropolitan and Regional Projects North on 7 March 2012 (06_0258 MOD 3).

S75W approved by the Director, Metropolitan and Regional Projects North on 24 April 2013 (06_0258 MOD 4).

S75W approved by the A/Executive Director, Development Assessment Systems & Approvals on 16 May 2014 (06_0258 MOD 6)

S75W approved by the Director, Industry, Key Sites & Social Projects on XX June 2014 (06_0258 MOD 7)

SCHEDULE 1

PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.Construction of a retail centre comprising a supermarket, restaurants and shops;Construction of a hotel;Construction of the associated road network and car parking;Construction of all necessary services; andLandscaping and open space
Type of development:	Concept Plan
Determination made on:	20 September 2009
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0258

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means Building Code of Australia

Construction Certificate means a construction certificate for bulk earthworks or civil works unless specified otherwise.

Council means Tweed Shire Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

Minister means the Minister for Planning.

Project means the project as described in Condition A1 to this approval.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

Proponent means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

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

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

Concept plan approval is granted only to carrying out the project described in detail below:

- ~~1) Subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.~~
- 1) Subdivision of land into 97 lots including low and medium density residential, retail, commercial and mixed use lots. The construction of dwellings on lots less than 450m² is permitted.
- 2) Construction of a retail centre comprising a supermarket, restaurants and shops;
- 3) Construction of a hotel;
- 4) Construction of the associated road network and car parking;
- 5) Construction of all necessary services; and
- 6) Landscaping and open space

A2 Staging

The project is to be constructed in four stages generally as follows:

- (1) Stage 1 comprises:
 - (a) Bulk earthworks;
 - (b) Subdivision of the land into ~~61~~ 97 lots;
 - (c) Construction of a retail centre;
 - (d) Closure of Dianella Drive;
 - (e) Construction of roads and services; and
 - (f) Landscaping.
 - (g) Development of medium density residential lot 3; and
 - (h) Development of low density residential lots 58 to 97.
- (2) Stage 2 comprises:
 - (a) Development of mixed use lots 5, 12 and 17;
 - (b) Development of commercial lot 2; and
 - ~~(c) Development of medium density residential lot 3; and~~
 - ~~(d) Development of medium density residential lots 7, 8, 9, 14 and 15.~~
- (3) Stage 3 comprises:
 - (a) Development of mixed use lots 6 and 13; and
 - (b) Development of medium density residential lots 4, 10, 11 and 16.
- (4) Stage 4 comprises:
 - ~~(a) Development of medium density residential lots 7, 8, 9, 14 and 15; and~~

(b) Development of hotel lot 18.

Stage 1 works may be carried out in two separate stages, referred to as 'Stage 1A' and 'the balance of Stage 1', as described in the documents and drawings listed under Condition A4(d) and A4(f).

Stage 1A and the balance of Stage 1 shall be undertaken first. The order of subsequent stages may be varied only with the written approval of the Director-General.

Stage 1 works may be carried out in four separate sub-stages, referred to as 'Stage 1A', 'Stage 1B', 'Stage 1C', and 'the balance of Stage 1', as described in the documents and drawings listed under Condition A4(d) and A4(g).

The four sub-stages under Stage 1 may be undertaken concurrently, and must be completed prior to the development of Stages 2 to 4. The order of subsequent Stages 2 to 4 may be varied only with the written approval of the Director-General.

A3 Project in Accordance with Plans

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

Design Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-31(N)		Concept Plan	17/08/09
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
MP-01-13(G)		Sun Study – Winter Solstice – June 21 – 3pm	17/08/09
Design and Survey Drawings prepared by Cardno (Qld) Pty Ltd			
DA22I	I	Existing Contours Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09
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
8491-901	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
8491-909	C	Public Parking	14/08/09
Stage 1A drawings prepared by Cardno (Qld) Pty Ltd.			
DA103	B	Stage 1A Works Plan	18/11/10

DA105	B	Stage 1A Finished Surface Contours	18/11/10
DA119	B	Stage 1A Subdivision Layout Plan	18/11/10
DA120	B	Stage 1A Dedication and Easement Plan	18/11/10
Drawings prepared by Newton Denny Chapelle (06_0258 MOD 4)			
		Concept Staging Plan	17/04/13
Drawings prepared by Newton Denny Chapelle (06_0258 MOD 6)			
12/111 B	A	Development Staging Plan	10/02/14

except for:

- (1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

A4 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Environmental Assessment Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and,

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009 (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).

Section 75W Modification Request Documentation

- c) *Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.

Section 75W Modification Request Documentation

- d) *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.

Section 75W Modification Request Documentation

- e) *Section 75W Modification: 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 2011.

Section 75W Modification Request Documentation

- f) *Section 75W Modification No. 4 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre* prepared by Newton Denny Chapelle on behalf of Clarence Property, dated November 2012; and supplementary information supporting the modification request, prepared by Newton Denny Chappelle, dated 18 April 2013.

Section 75W Modification Request Documentation

- g) *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.*

Section 75W Modification Request Documentation

- h) *Section 75W Modification No. 7 Project Approval MP_06_0258 Casuarina Town Centre prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, dated December 2013; and supplementary information supporting the modification request prepared by Cardno Eppell Olsen, dated 5 February 2014 (Traffic Response) and 19 February 2014 (Traffic and Transport Infrastructure Charges Review).*

A5 Inconsistencies

- (1) In the event of any inconsistency between:
- i) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
 - j) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
 - k) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.
- (2) If there is any inconsistency between this concept plan approval and any project approval or development consent, this concept plan approval shall prevail to the extent of the inconsistency.

PART B—MODIFICATIONS TO THE CONCEPT PLAN

B1 Building Setbacks

A minimum building setback of 2m shall be provided to all future lots adjoining the southern boundary of the 20m wide east-west open space corridor.

B2 Cycleway

The cycleway is modified such that:

- 1) the sharp right turn at the junction of lots 4, 10 and 11 is realigned to provide a provide a larger radius curve.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for ~~Stage-1~~ the balance of Stage 1 works.

B3 Retail Centre

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 ~~Stage-1~~ the retail centre.

B4 Bus Stops

Casuarina Way is modified such that two indented bus bays including bus shelters (one in each direction) are provided within the site. Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1 1A.

~~B5—Beach Access through Crown Reserve~~

~~The proponent is to obtain approval from the Department of Lands Department of Primary Industries regarding the provision of the proposed beach access to the east of the icon building.~~

~~Note: This may require the closure of one of the existing beach accesses.~~

~~Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of a Construction Certificate for Stage 1A.~~

PART C— REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(1)(a) of the Act, future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and are subject to the following requirements:

C1 Residential Flat Buildings

All future applications involving the development of a residential flat building (within the definition of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings) is to include a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

C2 Overshadowing

Future applications for all three storey buildings are to include an assessment of the potential for overshadowing of both adjoining buildings and public open space areas (in particular, areas of public open space).

C3 Footpath Trading

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) require the submission of details in relation to any proposed footpath trading or alfresco dining activities.

C4 Operational Management Plan

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) and the hotel (Lot 18) require the submission of an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

C5 Surf Lifesaving Facilities

The future application for development of Lot 17 is to include details of the surf lifesaving facilities to be provided in the icon building. The application shall include written agreement to the proposed facilities from Surf Lifesaving Australia.

C6 Noise Assessments

All future applications involving development for non-residential uses are to include a noise assessment that considers potential impacts on surrounding residences both within the subject site and adjoining it. The assessment is to incorporate measures that mitigate the noise impacts of the development on the surrounding dwellings to levels considered acceptable by the NSW *Industrial Noise Policy* (EPA, 2000).

SCHEDULE 3

06_0258

CASUARINA TOWN CENTRE

TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT
AREA

STATEMENT OF COMMITMENTS

(SOURCE: DOCUMENT REFERRED TO IN TERM A4(D) A4(G))

APPENDIX H

CONSOLIDATED INSTRUMENT – STAGE 1 PROJECT APPROVAL – 06_0258 MOD 7

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- Maintain the amenity of the local area;
- Encourage good urban design; and
- Adequately mitigate the environmental impact of the project and maintain the principles of ecologically sustainable development.

The Hon Kristina Keneally MP
Minister for Planning

Sydney, 2009

S75W approved by the Acting Director, Regional Projects Assessment on 17 June 2010 (06_0258 MOD 1).

S75W approved by the Director-General on 1 July 2011 (06_0258 MOD 2).

S75W approved by the Director, Metropolitan and Regional Projects North on 7 March 2012 (06_0258 MOD 3).

S75W approved by the Director, Metropolitan and Regional Projects North on 24 April 2013 (06_0258 MOD 4).

S75W approved by the Director, Industry, Key Sites & Social Projects on 24 September 2013 (06_0258 MOD 5).

S75W approved by the A/Executive Director, Development Assessment Systems & Approvals on 16 May 2014 (06_0258 MOD 6)

S75W approved by the Director, Industry, Key Sites & Social Projects on XX June 2014 (06_0258 MOD 7)

SCHEDULE 1

PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• Subdivision of the land into 61 lots;• Construction of the supermarket anchored retail centre;• Bulk earthworks and vegetation clearing;• Construction of all roads;• Closure of Dianella Drive;• Provision of infrastructure and services; and• Landscaping.
Type of development:	Project Application
Determination made on:	20 September 2009
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0258

Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means Building Code of Australia

Construction Certificate means a construction certificate for bulk earthworks or civil works unless specified otherwise.

Council means Tweed Shire Council

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

Minister means the Minister for Planning.

Project means the project as described in Condition A1 to this approval.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

Proponent means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Subject Site has the same meaning as the land identified in Part A of this schedule.

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

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SCHEDULE 2
RECOMMENDED CONDITIONS OF APPROVAL
MAJOR PROJECT NO. 06_0258

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- 1) Bulk earthworks and vegetation clearing;
- 2) ~~Subdivision of the land into 61 lots comprising 38 low density residential lots, 18 super lots for future development, 3 open space lots and 2 lots for the purposes of drainage (for Stage 1A only, lots 7, 8, 9, 14 and 15 are temporarily consolidated to form medium density residential lot 57);~~
- 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.
- 3) Construction of the retail centre in two (2) stages with a total combined floor space of ~~4135m²~~ 3705m² 5,274m² comprising a maximum of ~~3660m²~~ 3460m² 5,029m² of retail floor space. The retail floor space is composed of:
 - a. ~~supermarket of 2500m²~~ 2300m²;
 - b. ~~shops of 850m²~~ 1000m²; and
 - c. ~~restaurants of 310m²~~ 160m².
 - a. a 2,300m² supermarket as part of Stage 1, increasing by 1,000m² to 3,300m² total as part of Stage 2;
 - b. specialty retail shops of 1,317m² as part of Stage 1, increasing by 264m² to 1,581m² total as part of Stage 2; and
 - c. a restaurant of 148m² total as part of Stage 1.

~~The retail centre will provide car parking for a total of 248-220 vehicles (including 72 spaces in a basement car park);~~

The retail centre will provide a total of 237 car parking spaces as part of Stage 1 and 241 car parking spaces as part of Stage 2;
- 4) Construction of roads and car parking;
- 5) Closure of Dianella Drive at its intersection with Tweed Coast Road;
- 6) Realignment of the foreshore walkway/cycleway;
- 7) Landscaping;
- 8) Signage for the retail centre; and

- 9) Provision of associated services i.e. water, sewerage, stormwater drainage, electricity supply and telecommunications.

A2 Project in Accordance with Plans

The project will be undertaken generally in accordance with the ~~Environmental Assessment, the Preferred Project Report and 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
SK011		Austrroads 19m Semi – Site and Loading Ingress Manoeuvre A	15/11/2011
SK012		Austrroads 19m Semi – Site and Loading Ingress Manoeuvre B	15/11/2011
SK013		Austrroads 19m Semi – Site and Loading Ingress Manoeuvre	15/11/2011
SK014		10.7m Truck – Site and Loading Ingress Manoeuvre	15/11/2011
SK015		10.7m Truck – Site and Loading Ingress Manoeuvre	15/11/2011
SK016		Austrroads 8.8m Truck – Site and Loading Ingress Manoeuvre	15/11/2011
SK017		Austrroads 8.8m Truck – Site and Loading Ingress Manoeuvre	15/11/2011
SK018		Proposed Loading Area Signage	15/11/2011
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
DA01	PA-3A	Cover Page	14/02/12
DA02	PA-3A	Perspective Sketches	14/02/12
DA03	PA-3	Perspective Sketches	16/11/11

DA04	PA-3	Locality Plan	16/11/11
DA05	J PA-3A	Site Plan and Schedules	13/08/09 14/02/12
DA06	H PA-3A	Elevations North and East	30/01/09 14/02/12
DA07	H PA-3A	Elevations South and West	30/01/09 14/02/12
DA08	H PA-3	Ground Floor Plan	30/01/09 14/02/12
DA09	H PA-3	First Floor Plan	30/01/09 16/11/11
DA10	H PA-3	Roof Plan	30/01/09 16/11/11
DA11	H	Basement Plan	30/01/09
DA12	H PA-3	Sections	30/01/09 16/11/11
DA13	H PA-3	Shadow Diagrams	30/01/09 16/11/11
DA14	I PA-3	Building Signage Details	13/08/09 16/11/11
DA15	PA-3A	Carpark Views	14/02/12
DA16	PA-3	Proposed Finishes	23.02.12
DA01	PA-4	Cover Page / Contents	29/11/13
DA02	PA-4	Perspective Sketches	29/11/13
DA03	PA-4	Perspective Sketches	29/11/13
DA04	PA-4	Locality Plan	29/11/13
DA05	PA-4	Site Plan and Schedules Stage 2	29/11/13
DA05-1	PA-4	Site Plan and Schedules Stage 1	29/11/13
DA06	PA-4	Elevations North and East	29/11/13
DA07	PA-4	Elevations West and South	29/11/13
DA08	PA-4	Ground Floor Plan	29/11/13
DA09	PA-4	First Floor Plan	29/11/13
DA10	PA-4	Roof Plan	29/11/13
DA12	PA-4	Sections	29/11/13
DA13	PA-4	Shadow Diagrams	29/11/13
DA14	PA-4	Building Signage Views	29/11/13
DA15	PA-4	Carpark Views	29/11/13
DA16	PA-4	Proposed Finishes	29/11/13
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 Drainage Paths	18/11/10
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
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
Drawing prepared by Newton Denny Chapelle (06_0258 MOD 5)			
C56	Rev 6	Road 6- Cul de Sac Head Grades	27.08.2013
Drawing prepared by ADG (06_0258 MOD 5)			
S02	08	Retaining Wall Layout and Details	22.07.2013
S04	06	Wall and Stair Details	22.07.2013
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

A3 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and,
- (2) *Preferred Project Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009 (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).
- (3) *Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.
- (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.
- (5) *Section 75W Modification No. 3 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 2011.
- (6) *Section 75W Modification No. 4 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre* prepared by Newton Denny Chappelle on behalf of Clarence Property, dated November 2012; and supplementary information supporting the modification request, prepared by Newton Denny Chappelle, dated 18 April 2013.
- (7) *Section 75W Modification No. 4- Concept and Project Approval MP06_0258 Casuarina Town Centre, Tweed Coast Road, Casuarina* prepared by Newton Denny Chappelle on behalf of Clarence Property, dated 18 July 2013; and supplementary information amending the modification request, prepared by Newton Denny Chappelle, dated 27 August 2013.
- (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.
- (9) *Section 75W Modification No. 7 Project Approval MP 06_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, dated December 2013; and supplementary information supporting the modification request prepared by Cardno Eppell Olsen, dated 5 February 2014 (Traffic Response) and 19 February 2014 (Traffic and Transport Infrastructure Charges Review).

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to in Conditions A3 and A4, the conditions of this approval prevail to the extent of the inconsistency.

A5 Building Code of Australia

All work must be carried out in accordance with the requirements of the *Building Code of Australia*.

A6 Use of Certain Machinery

The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

A7 Landscaping on Private Land

The proponent shall ensure that landscaping provided in private ownership is maintained at all times to the standard approved in the Landscape Plan required herein.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES

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

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

Contamination

B1 Contamination

Following clearing works, and prior to the commencement of earthworks or any construction activities, surface and full depth radiation investigations (to a minimum of ground water level) shall be conducted across the whole development site including areas in public ownership. The site shall be remediated prior to commencement of construction on the site.

Prior to the issue of a Construction Certificate the Proponent shall submit to the Council a Remedial Action Plan and a Hazardous Materials Survey. Council will identify minimum remediation depths for both private and public open spaces. As a minimum, remediation should occur to a depth of 2 metres or below the lowest service infrastructure, whichever is the greater. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.

Design Details and Changes

B2—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.
- (3) 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 Stage 1.
- (4) 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.

B2 Design Modifications

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

- (3) 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.

- (4) 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.
- (5) The design of the retaining wall along the south-east boundary of the site adjacent to Road 6 (as referred to in Condition A2 as MOD 5) is to be amended to incorporate the following:

- a. A lockable gate to accommodate Council's standard padlock.
- b. The 100mm thick concrete infill is to have a minimum crossfall grade of 1% falling towards the face of the retaining wall.

The final design including to confirm compliance with the above requirements shall be submitted for the approval of Council prior to the issue of a Construction Certificate for these works.

B3 Flora and Fauna

A study of the site for the suitability of habitat for the Pink Nodding Orchid (*Geodorum densiflorum*) shall be undertaken by a suitably qualified orchid specialist. The results of the study shall be submitted to the Department of Planning and the Department of Environment and Climate Change (DECC) for approval.

Should the study find that the site provides suitable habitat for the species, a targeted survey shall be undertaken by a suitably qualified orchid specialist during the flowering season for the species. The results of the targeted survey and any proposed measures to mitigate impacts on this species shall be submitted to the Department of Planning and DECC for approval prior to the issue of a Construction Certificate.

B4 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate for Stage 1A a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Retail Centre

B5 Operational Management Plan

Prior to the issue of a Construction Certificate for the retail centre, the proponent shall submit to the Certifying Authority an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

B5A Shade Structures

Detailed design information of the car parking shade structures shall be submitted to the Department for approval prior to the issue of a Construction Certificate for the retail centre. Design details are to include, but are not limited to, the following:

- (1) Elevation plans showing the height and length of the structures;
- (2) Specific materials to be used;
- (3) Colours and finishes to be used; and
- (4) Photomontages of the structures when viewed from Tweed Coast Road and Casuarina Way respectively.

Remediation / Demolition / Earthworks

B6 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for the site shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall cover the entire site and be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 1A.

B7 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 for ~~Stage 1A each sub-stage and the retail centre~~. A copy of the report is to be forwarded to Council.

B7A Retaining Wall: South-east boundary adjacent to Road 6

Notwithstanding Condition B7 above, prior to the commencement of work in relation to the retaining wall referred to in Condition A2 as MOD 5, 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 including properties identified as No's 32, 34 and 36 Eclipse Lane.

The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for these works. A copy of this report is to be forwarded to Council and the Department.

B7B Repair Works to No.36 Eclipse Lane

Within 1 week of the completion of the Dilapidation Report required to be undertaken in accordance with Condition B7A, the proponent is to submit a Report to the Certifying Authority and the Department which compares the current state of the property identified as No.36 Eclipse Lane with the pre-construction Dilapidation Report undertaken in accordance with Conditions B7.

The Report is to compare the structural state of the property and is to clearly identify any damage to the property which has occurred as a consequence of construction activities. The report is to include a recommended course of action and a timeframe to carry out the repair works. Any repair work considered to be high risk (ie. potential to cause harm or threaten the safety of the occupants of the property) is to be carried out within a week of the completion of the Report unless otherwise agreed to in revised action plan prepared in consultation with the property owner of No.36 Eclipse Lane.

B8 Grading of Fill

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. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a s68 stormwater application for Council approval prior to the issue of a any Construction Certificate.

B9 Construction Compliance Bond and Long Service Levy

- (1) Prior to the issue of a any 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 \$1,552).

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

The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

- (2) In accordance with Section 109F(i) of the *Environmental Planning and Assessment Act 1979* (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

Construction Management

B10—Construction Management Plan

~~Prior to the issue of a 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.~~

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.

B11—Traffic & Pedestrian Management Plan

~~Prior to the issue of a 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.~~

~~The Proponent shall submit a copy of the approved plan to Council.~~

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.

Traffic & Parking

B12 Intersection of Tweed Coast Road and The Boulevard

Both right turn lanes (northbound) required at the proposed Tweed Coast Road and The Boulevard intersection shall be designed and constructed at the proponent's cost. All land required to facilitate the intersection lanes and signalised works at this intersection shall be dedicated to Council at no cost prior to the issue of the first subdivision certificate.

Note: Notwithstanding any condition of this approval regarding the installation of traffic signals, the applicant shall obtain the approval of the Roads and Traffic Authority of NSW for the installation of any traffic signals.

B13 Intersection of Tweed Coast Road and The Boulevard

A dedicated left turn auxiliary lane with a minimum length of 25m shall be constructed on The Boulevard (westbound) at the proposed Tweed Coast Road/The Boulevard intersection. Details of the intersection shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 1A.

B14 Intersection of Casuarina Way and The Boulevard

The proponent shall provide a SIDRA assessment for a roundabout option at the intersection of Casuarina Way and The Boulevard road so that it can be assessed for signal warrants within RTA guidelines. A roundabout will provide for intersection control consistency along Casuarina Way (roundabouts have been provided at cross intersections). The proponent will need to consider whether pedestrians can be adequately catered for (refuges, linemarking) with regard to the roundabout option.

B15 Road Reserve Width of Casuarina Way

The road reserve width of Casuarina Way between Dianella Drive and The Boulevard shall be increased to include a minimum footway area behind the parking bays of 3.5m.

B16 Dianella Drive Closure

The proposed cul-de-sac to facilitate closure of Dianella Drive shall be constructed with a minimum kerb radius of 12.5m. In addition, the cul-de-sac carriageway shall be located a minimum of 10 metres from the edge of the Tweed Coast Road carriageway when constructed to four lanes. The cul-de-sac shall be totally screened so as to not be seen from Tweed Coast Road or permeate vehicle headlights and be provided with a permanent barrier to prevent any vehicular access to Tweed Coast Road.

B17 Car Park and Service Vehicle Layout

- (1) The layout of car parks shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area of the retail centre shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- ~~(3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.~~
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate relating to car parking and service vehicle areas.

B18—Car Park and Service Vehicle Layout

~~Prior to the issue of a Construction Certificate, design details of the proposed exit from the shopping centre/retail area 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.~~

B18 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.

B19 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~~ Australian Standards AS2890.6 – *Off street parking for people with disabilities*.

Health

B20 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the retail centre.

B21 Design of Food Premises

The fitout of the food premises shall be carried out in accordance with the Food Premises and Equipment Standard 3.2.3 of the Australia New Zealand Food Standards Code. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the retail centre.

Stormwater

B22 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. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

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 each sub-stage and the retail centre*. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

B23 Stormwater and Drainage Works Design

Permanent stormwater quality treatment required as part of *the Stage 1A works each sub-stage and the retail centre* 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.

B24 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:~~

- ~~(d) 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.~~
- ~~(e) The inlet structure at the coastal swale shall be designed to accept the 100-year ARI inflow, with measures to minimise blockage.~~
- ~~(f) The east-west drain shall be aligned to minimise bends that may reduce hydraulic capacity or create blockage points.~~
- ~~(g) 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 A6—Subdivision Manual, and associated Development Design and Construction Specifications.~~
- ~~(h) The design of the east-west drain shall incorporate all existing drainage outlets to the existing drainage swale, including any major system flow paths.~~
- ~~(i) Design detail that demonstrates the equivalency of the proposed stormwater infiltration system with the plan "Infiltration Basin Configuration—Draining to Controlled Outlet No.41", Cardno MBK, Plan Reference SK No.7079/1-24 Rev-B, 7-March-2004. 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.~~

B25 Stormwater Works for Retail Centre

The shopping retail centre development shall provide an internal stormwater infiltration system that meets the following design criteria:

- (a) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (b) The infiltration rate for sizing infiltration devices shall be 6m per day.
- (c) As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharging overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (g) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (h) All infiltration devices are to be designed to allow for construction and operation vehicular loading.

Design details are to be submitted to Council for approval prior to the issue of a Construction Certificate for the retail centre.

B26 Roof Water Disposal

Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for the retail centre. These details shall include likely landscaping within the overland flow paths.

B27 Drainage for Lots

Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

B28 Erosion and Sediment Control

Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Any 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".

B29 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.

B30 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 (with the exception of Road No.5 which is to be built to a rural-type construction standard as part of Stage 1A only). 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.

B31 Landscaping Plan

The detailed landscape plan shall be prepared by a suitably qualified landscape architect and shall generally incorporate the following:

B32 Landscaping Plan

A detailed landscape plan shall be prepared for all landscaping proposed. The plan shall clearly delineate between landscaping in future public areas as well as private areas. The landscape plans shall be prepared by a landscape architect or landscape consultant and approved by Council prior to issue of a Construction Certificate. 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 shall include the following documentation:-

- (d) 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.
- (e) Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.
- (f) Easements on or adjacent to the site.
- (g) 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.
- (h) 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.
- (i) 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).
- (j) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
 - (k) 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.
 - (l) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
 - (m) 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.
 - (n) A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.
 - (o) 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.
 - (p) The location of all cycleways and pathways proposed on the site, including proposed construction materials.
 - (q) The location of all Asset Protection Zones as approved by the Rural Fire Service.
 - (r) 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.
 - (s) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.
 - (t) 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.

- (u) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17o 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'.

B32 Landscaping Plan

Detailed landscape plan(s) shall be prepared for all landscaping proposed as part of **Stage 1A** each sub-stage 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.~~ 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. 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 into 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 17o 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'.

B33 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.

B34 Plans to be Submitted

Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Certifying Authority for approval.

- (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:
 - (i) earthworks
 - (ii) roadworks/furnishings
 - (iii) stormwater drainage
 - (iv) water supply works
 - (v) sewerage works
 - (vi) landscaping works
 - (vii) sedimentation and erosion management plans
 - (viii) location of all service conduits (water, sewer, Country Energy and Telstra)

The *Environmental Planning and Assessment Act 1979* (as amended) makes no provision for works under the *Water Management Act 2000* and *Section 138 of the Roads Act* to be certified by an Accredited Certifier.

B35 Lighting

The proponent shall submit a detailed plan depicting all lighting proposed on the site. The lighting shall be designed so as to not adversely impact or create nuisance on surrounding locality or residential development. All details are to be approved by Council. All lighting shall:

- (a) Comply with the AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting and other relevant Australian Standards;
- (b) Ensure car parking lighting does not spill beyond the boundaries of commercial and non-residential sites;
- (c) Provide adequate lighting for public open space and public access areas (including cycleways and pathways) for safety;
- (d) Outline maintenance requirements and energy efficiency ratings of lighting proposed in public open space areas and easement areas used for public access.

B36 Emergency Access

Prior to the issues of a Construction Certificate design details shall be submitted to the satisfaction of the Certifying Authority demonstrating that emergency access for 4 wheel drive vehicles shall be provided to the beach, via the realigned east/west cycleway link and coastal cycleway, or an alternate clearly delineated route. Where the emergency access requires a bridge over the Coastal swale, the bridge shall be designed for adequate vehicle loading for emergency vehicles.

B37 Subdivision Works Accredited Certifier

The proponent shall appoint an Accredited Certifier in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the certifier shall possess accreditation in the following categories:

- C4: Accredited Certifier – Stormwater management facilities construction compliance
- C6: Accredited Certifier – Subdivision road and drainage construction compliance

The certifier shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to issue of a Construction Certificate.

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

Design Details and Changes

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.

Remediation / Demolition / Earthworks

B39 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.

B40 Grading of Fill

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. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a s68 stormwater application for Council approval prior to the issue of a Construction Certificate.

Construction Management

B41 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan for the balance of Stage 1 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.

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.

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.

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.

Stormwater

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*.

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.

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.

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".

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.

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.

B51 Evidence of Approval – Beach Access through Crown Reserve

The proponent is to obtain approval and any licences from the relevant agencies regarding the provision of the proposed beach access to the east of the icon building. Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of the first Construction Certificate for works within the balance of Stage 1.

Note:

- 1. This may require the closure of one of the existing beach accesses.
- 2. This may require approval under the Crown Lands Act 1989.
- 3. Relevant agencies may include (but are not limited to) the Tweed Coast Reserve Trust and Crown Lands.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Excavation

- (1) The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
- (2) The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
- (3) The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

Structural Works

C2 Structural Details

Prior to the commencement of construction at each stage of the project, the Proponent shall submit to the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant project approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C3 Retaining Walls

Prior to commencement of works of the project a certificate of adequacy of design, signed by a practising Structural Engineer of all proposed retaining walls in excess of 1.2m in height, must be provided to the Principal Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

C3A Retaining Wall: South-east boundary adjacent to Road 6

Notwithstanding Condition C3 above, prior to the commencement of works in relation to the retaining wall referred to in Condition A2 as MOD 5, the Proponent is to prepare a Vibration Management Plan which demonstrates how compliance with Condition D15 will be achieved. The Plan is also to identify what monitoring measures will be implemented to record vibration impacts to neighbouring properties including, with respect to properties identified as No's 32, 34 and 36 Eclipse Lane. The Plan is to include measures for reactive management of elevated vibration levels. The results of the monitoring are to be made available to Council or the Department on request.

Pollution Control

C4 Erosion and Sediment Control

Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act 1993* is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided. This sign is to remain in position for the duration of the project.

Services

C5 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the project and existing infrastructure prior to start of any works.

Contact Details

C6 Contact Telephone Number

Prior to the commencement of the works for each stage of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C7 Occupational Health and Safety

Prior to the commencement of works, the proponent shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

- (1) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- (2) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (3) WorkCover Regulations 2000

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D2 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

- 1) Details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- 2) The approved hours of work;
- 3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

D3 Use of Public Land

At no time shall any structure or entry statement signs be located on public land or road reserves at the entry area of the development. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, parking areas, driveways or pedestrian walkways outside or immediately adjacent to non-commercial premises.

D4 Public Access

Safe public access along the public foreshore reserve shall be available at all times during construction and rehabilitation.

D5 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction of any stage of the project, shall be replaced, to the satisfaction of Council.

D6 Council Inspections

Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D, based on the rates contained in Council's current Fees and Charges:-

Roadworks

- 1) Pre-construction commencement erosion and sedimentation control measures

- 2) Completion of earthworks
- 3) Excavation of subgrade
- 4) Pavement - sub-base
- 5) Pavement - pre kerb
- 6) Pavement - pre seal
- 7) Pathways, footways, bikeways - formwork/reinforcement
- 8) Final inspections - on maintenance
- 9) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- 10) Excavation
- 11) Bedding
- 12) Laying/jointing
- 13) Manholes/pits
- 14) Backfilling
- 15) Permanent erosion and sedimentation control measures
- 16) Drainage channels
- 17) Final inspection - on maintenance
- 18) Off maintenance

Council's role is limited to the above mandatory inspections and does **NOT** include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

Note: During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

Structural Works

D7 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved project application.

Site Maintenance

D8 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works, and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

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.

D9 Erosion and Sediment Control Inspections

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.

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.

D10 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D11 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

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 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.

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.

Noise and Vibration

D12 Hours of Work

The hours of construction for all stages of the project, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays; and
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D13 Construction Noise Objective

- (1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by more than 5dB(A).
- (2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- (4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D14 Construction Noise Management

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Management Plan.

D15 Vibration Criteria

Vibration resulting from construction of all stages of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management Manual – Assessing Vibration: A Technical Guide* (DEC, 2006).

Earthworks

D16 Earthworks

Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

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.

D17 Disposal of Material

No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Tweed Shire Council General Manager or his delegate.

D18 Surrounding Roads

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 proponent's expense and any such costs are payable prior to the issue of a Subdivision Certificate.

D19 Road Construction

- (1) Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval. The design shall demonstrate:
 - (a) That the pavement has been designed in accordance with Tweed Shire Council's Development Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- (2) During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating:
 - (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

Heritage

D20 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

In the event that future works during any stage of the project disturb Aboriginal cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment and Climate Change and the Tweed-Byron Local Aboriginal Land Council (LALC) must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment and Climate Change and the Tweed-Byron LALC.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

PART E1—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR STAGE 1A

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

E1 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979* for each stage of the subdivision.

The following information must accompany an application for a Subdivision Certificate:

- (1) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (2) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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.

E2 Compliance Certificate

Prior to the application for a Subdivision Certificate for each stage of the subdivision a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-

- a) Compliance Certificate - Roads
- b) Compliance Certificate - Water Reticulation
- c) Compliance Certificate - Sewerage Reticulation
- d) Compliance Certificate - Drainage

Note:

i) All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the project approval, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

ii) The EP&A Act, 1979 (as amended) makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier".

E3 Defect Liability Bond

Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

Note: The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

E4 Maintenance Bond

Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

Earthworks

E5 Contamination

Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

E6 Retaining Walls

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Subdivision Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

Geotechnical

E7 Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the Principal Certifying Authority, prior to issue of the Subdivision Certificate.

E7 Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the pre-construction dilapidation reports required under Conditions B7 and B39, with a recommended course of action to carry out repairs, if required. The report is to be submitted to the Principal Certifying Authority, prior to issue of the Subdivision Certificate.

E7A Retaining Wall: Post Construction Dilapidation Report

Notwithstanding Condition E7 above, within 1 week of the completion of the works relating to the construction of the retaining wall referred to in Condition A2 as MOD 5, the Proponent is to engage a suitably qualified engineer to ascertain if any damage has occurred to the adjoining and adjacent buildings and structures including, with respect to properties identified as No's 32, 34 and 36 Eclipse Lane. The report is to be compared to the pre-construction dilapidation reports undertaken in respect to Conditions B7 and B7A. The report is to include a recommended course of action to carry out the repairs (if required) within 1 month of the date of completion of the report, unless otherwise agreed to in writing by the Director, Industry Social Projects and Key Sites of the Department of Planning and Infrastructure. The report is to be submitted to the Principal Certifying Authority within 2 week of the completion of the works.

E8 Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
- 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.~~
 - ~~(c) 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.~~
 - ~~(d) 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.~~
 - ~~(e) 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.~~
 - ~~(f) 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.~~

- ~~(g) 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.~~
- 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.
- 5) The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Services

E9 Electricity

Prior to the issue of a Subdivision Certificate the following is to be provided to the PCA:

- (1) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (2) The reticulation is to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

E10 Water and Sewerage

Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire

Council's *Development Control Plan Part A5 - Subdivisions Manual*, Council's *Development Design and Construction Specifications* and the Construction Certificate.

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.

E11 Utilities –Telephone and Electricity Services

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Dedication of Land

E12 Dedication of Open Space

- (1) The Proponent must make necessary arrangements for the dedication of the open space areas to Council within the subdivision prior to release of a Subdivision Certificate.
- (2) The areas indicated in the approved plans as public open space shall be dedicated and embellished at no cost to Council in accordance with the approved landscaping plan.
- (3) A deed of agreement shall be prepared with Council to allow the proponent to carry out management and maintenance works on this land for 36 months following establishment.
- (4) An accurate plan of the public open space in the north of the site shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

E13 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and dedicated to Council as public roads prior to issue of a Subdivision Certificate. *All dedicated internal roads are to be constructed to Council's satisfaction.* Upon dedication Council will be responsible for the on-going maintenance of the roads.

E14 Road Names

- (1) The proponent shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (2) Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy – "Fees and Charges".
- (3) The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

E15 Damage to Public Infrastructure

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 in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

E16 Stormwater Gully Lintels

All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification.

E17 Asset Creation Form

Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

E18 Works As Executed Plans

Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of *Tweed Shire Council Development Control Plan A5 - Subdivisions Manual* and Council's *Development Design and Construction Specification, D13 - Engineering Plans*.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer certifying that:

- (1) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (2) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the proponent it is the responsibility of the proponent to prepare and submit works-as-executed plans.

E19 Survey marks

Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

E20 CCTV Inspection

Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Council's adopted Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the proponent.

Monetary Contributions

E21 –Section 94 Monetary Contributions

Amount of Contributions

Name of Contribution Plan			
	No. of ET	\$ per ET	Sub-Total
Tweed Road Contribution	1653.6-1448.4 trips	\$930	\$1,537,848

Plan (CP-No. 4, Version 5.1, January 2009)			\$1,384,212
TRCP Sector 7_4 LCA4- Casuarina			\$254,654
Street-Trees	54	\$297	\$15,147
Shirewide Library Facilities	54	\$688	\$35,088
Bus-Shelters	54	\$26	\$1,326
Eviron-Cemetery	54	\$131	\$6,681
Community-Facilities (Casuarina-Beach / Kings Forest)	54	\$1,443	\$73,593
Emergency-Facilities (Surf-Lifesaving)	54	\$200	\$10,200
Extensions-to-Council Administration-Offices and-Technical-Support Facilities	54	\$1996.80	\$101,836.80
Regional-Open-Space (Casual)	54	\$855	\$43,605
Regional-Open-Space (Structured)	54	\$2327	\$118,677
TOTAL CONTRIBUTIONS PAYABLE			\$2,198,655.80
			\$2,045,019.80

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.

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	1,146	305,409
TRCP Sector 7_4	266.5	169	45,039

LCA4- Casuarina			
Street-Trees (S94- Plan 11)	39	297	11,583
Libraries (S94-Plan-11)	39	816	31,829
Bus-Shelters (S94-Plan-12)	39	62	2,418
Cemeteries (S94-Plan-13)	39	121	4,719
Community-Facilities (S94-Plan-15)	39	1,352	52,728
Lifesaving (S94-Plan-16)	39	113	4,407
Council Admin (S94-Plan-18)	39	1,812.62	70,692.18
Regional-Open Space (Casual- S94-Plan-26)	39	1,064	41,496
Regional-Open-Space (Structured- S94-Plan-26)	39	3,619	145,470
			715,785.18

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	1,146	1,310,909
TRCP Sector 7_4 LCA4- Casuarina	1143.9	169	193,319
Street-Trees (S94-Plan-6)		297	
Librarian (S94-Plan-11)		816	
Bus-Shelters (S94-Plan-12)		62	
Cemeteries (S94-Plan-13)		121	
Community-Facilities (S94-Plan-15)		1,352	
Lifesaving (S94-Plan-16)		113	
Council Admin (S94-Plan-18)		1,812.62	
Regional-Open Space (Casual- S94-Plan-26)		1,064	
Regional-Open-Space (Structured- S94-Plan-26)		3,619	
			1,504,228

Stage 1A subdivision contributions are payable prior to the issue of a Subdivision Certificate. 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.

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 1 Retail and Commercial contributions

Plan	No. of ET/ Trips	\$ per ET/Trip	Sub- Total (\$)
Tweed Road Contribution Plan (Cp No. 4, Version 5.1, January 2009)	599.34	1,186	710,817.24
TRCP Sector 7_4 LCA\$- Casuarina	998.9	174	173,808.60
Council Admin (S94 Plan 18)	1.912	1,860.31	3,556.91
			888,182.75

STAGE 2 Retail and Commercial contributions

Plan	No. of ET/ Trips	\$ per ET/Trip	Sub- Total (\$)
Tweed Road Contribution Plan (Cp No. 4, Version 5.1, January 2009)	183.06	1,186	217,109.16
TRCP Sector 7_4 LCA\$- Casuarina	305.1	174	53,087.40
Council Admin (S94 Plan 18)	0.6332	1,860.31	1,177.95
			271,374.51

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

11)			
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 LCA4- 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 (S94 Plan 16)	8	113	904

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, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

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:

Charge	Calculation	Total
Development Servicing Plan for Water Supply Services (July 2007)	64.18-62.08ET-x \$10,346.90	\$664,064.00 \$642,335.55
South-Kingscliff Water Levy	64.18-62.08ET-x \$240	\$15,403.20

		\$14,899.20
Development Servicing Plan for Sewerage Services (July 2007)	64.18-62.08ET-x \$4972.1	\$340,489.40 \$324,081.48
TOTAL		\$1,019,956.60 \$981,319.23

These charges 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.

A copy of the Section 64 contribution plans may be inspected at Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

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	12,160	498,160
South Kingscliff Water Addition	41	182	11,562
Sewer Kingscliff	41	5,838	239,358
			749,070

STAGES 1 and 2 Retail and commercial contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	7.68	12,150	93,312
South Kingscliff Water Addition	7.68	282	2,166
Sewer Kingscliff	12.18	5,838	71,106.80
			166,584.80

Stage 1A subdivision contributions are payable prior to the issue of the Subdivision Certificate. The Stage 1 retail and commercial contributions are payable prior to the issue of the Construction Certificate for the retail and commercial developments.

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 1 Retail and Commercial contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	8.218	12,575	103,341.35
South Kingscliff Water Addition	8.218	292	2,399.66
Sewer Kingscliff	12.975	6,042	78,394.95
			184,135.96

STAGE 2 Retail and Commercial contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	2.528	12,575	31,789.60
South Kingscliff Water Addition	2.528	292	738.18
Sewer Kingscliff	3.792	6,042	22,911.26
			55,439.04

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.

PART E2—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR THE BALANCE OF STAGE 1 (LOT 57)**E23—Part 4A Certificate**

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979* for each stage of the subdivision.

The following information must accompany an application for a Subdivision Certificate:

- (1) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (2) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5—Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

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.

E24—Compliance Certificate

Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-

- a) Compliance Certificate—Roads
- b) Compliance Certificate—Water Reticulation
- c) Compliance Certificate—Sewerage Reticulation
- d) Compliance Certificate—Drainage

Note:

i) All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the project approval, the construction certificate, Tweed Shire Council's Development Control Plan Part A5—Subdivisions Manual and Councils Development Design and Construction Specifications.

ii) The EP&A Act, 1979 (as amended) makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier".

E25—Defect Liability Bond

Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

Note: The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

E26—Maintenance Bond

Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

E27—Contamination

Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

E28—Retaining Walls

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Subdivision Certificate application and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

E29—Dilapidation Report

A dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared to any previous dilapidation reports prepared for the site, and recommend a course of action to carry out repairs if required. The report is to be submitted to the Principal Certifying Authority, prior to issue of the Subdivision Certificate.

E30—Registration of Easements / Restrictions to use / Right of carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with *Community Land*

Development Act 1989, Strata Schemes Management Act 1996, Conveyancing Act 1919, or other applicable legislation.

- 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 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.
 - (d) 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.
- 5) The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

E31—Evidence of Construction—Beach Access through Crown Reserve

The proponent is required to provide evidence of the construction of the beach access east of the icon building shall be provided to the Department prior to the issue of a Subdivision Certificate for any works within the balance of Stage 1.

E32—Electricity

Prior to the issue of a Subdivision Certificate the following is to be provided to the PCA:

- (1) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (2) The reticulation is to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

E33—Water and Sewerage

Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's *Development Control Plan Part A5—Subdivisions Manual*, Council's *Development Design and Construction Specifications* and the Construction Certificate.

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.

E34 — Utilities—Telephone and Electricity Services

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

E35 — Damage to Public Infrastructure

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 in accordance with Council's adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

E36 — Stormwater Gully Lintels

All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification.

E37 — Asset Creation Form

Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

E38 — Works As Executed Plans

Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5—Subdivisions Manual and Council's Development Design and Construction Specification, D13—Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer certifying that:

- (1) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (2) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the proponent it is the responsibility of the proponent to prepare and submit works as executed plans.

E39 — Survey marks

Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

E40 — CCTV Inspection

Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Council's adopted Development Design and Construction Specification.

All costs associated with the CCTV inspection and repairs shall be borne by the proponent.

E41 — Section 94 Monetary Contributions

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)	78	1,146	89,388
TRCP Sector 7-4 LCA\$-Casuarina	78	169	13,182
Street Trees (S94 Plan 6)	12	297	3,564
Librarian (S94 Plan 11)	12	816	9,792
Bus Shelters (S94 Plan 12)	12	62	744
Cemeteries (S94 Plan 13)	12	121	1,452
Community Facilities (S94 Plan 15)	12	1,352	16,224
Lifesaving (S94 Plan 16)	12	113	1,356
Council Admin (S94 Plan 18)	12	1,812.62	21,751.44
Regional Open Space (Casual- S94 Plan 26)	12	1,064	12,768
Regional Open Space (Structured- S94 Plan 26)	12	3,619	44,760
			214,981.44

The balance of Stage 1 subdivision contributions are payable prior to the issue of the Subdivision Certificate.

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, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

E42—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:

BALANCE OF STAGE 1 Subdivision contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South-East	13.4	12,150	162,810
South Kingscliff Water Addition	13.4	282	3,779
Sewer Kingscliff	12	5,838	70,056
			236,645

The balance of Stage 1 subdivision contributions are payable prior to the issue of the Subdivision Certificate for Stages 1A and the balance of Stage 1. The Stage 1 retail and commercial contributions are payable prior to the issue of the Construction Certificate for the retail and commercial developments.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Stormwater Quality Control Devices

Prior to the issue of an Occupation Certificate, the proponent shall produce a copy of the satisfactory inspection report issued by Council for all s68h2 permanent stormwater quality control devices.

F2 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the PCA.

F3 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

F4 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The project approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F5 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F6 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

Easements

F7 Registration of Easements

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

PART G—POST OCCUPATION

G1 Demand Management Strategy

The proponent shall be required to implement the basic recommendations of the Tweed Shire Council Demand Management Strategy – Stage 1, as prepared by MWH Australia, 2008 (DMS) (for water) which requires that development types other than individual detached dwellings should use rainwater tanks connected to 80 to 90 per cent of the roof area and plumbed to supply toilet flushing, laundry cold water, external and any other appropriate uses that may be available.

Fire Safety

G2 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic and Parking

G3 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G4 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Noise

G5 Retail Centre Hours of Operation

The hours of operation for the supermarket and retail shops shall be restricted to between:

Day	Commencement time	Cessation time
Monday	8:00am	9:00pm
Tuesday	8:00am	9:00pm
Wednesday	8:00am	9:00pm
Thursday	8:00am	9:00pm
Friday	8:00am	9:00pm
Saturday	8:00am	9:00pm
Sunday	8:00am	9:00pm
Public Holidays	8:00am	9:00pm

G5A Signage

All illuminated signage associated with the supermarket and retail shops must be extinguished outside of the retail centre operating hours.

Note: the hours of operation for the retail centre are listed under Condition G5.

G6 Retail Centre Service Delivery Hours

The hours of service deliveries to the retail centre shall be restricted to between:

Day	Commencement time	Cessation time
Monday	6:00am	5:00pm
	7:00pm	10:00pm
Tuesday	6:00am	5:00pm
	7:00pm	10:00pm
Wednesday	6:00am	5:00pm
	7:00pm	10:00pm
Thursday	6:00am	5:00pm
	7:00pm	10:00pm
Friday	6:00am	5:00pm
	7:00pm	10:00pm
Saturday	6:00am	9:00am
	12:00pm	10:00pm
Sunday	6:00am	9:00am
	12:00pm	10:00pm
Public Holidays	6:00am	9:00am
	12:00pm	10:00pm

G7 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

Hazardous Materials

G8 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access

G9 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN2 Disability Discrimination Act

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN3 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

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 A3(4) A3(8))