

# Modification of Project Approval

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

As delegate of the Minister for Planning, the Independent Planning Commission approves the modification of the Project Approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.

**Member of the Commission**

**Member of the Commission**

Sydney

2018

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### SCHEDULE 1

<b>Project Approval:</b>	MP06_0258 granted by the Minister for Planning on 20 September 2009.
<b>Proponent:</b>	Kings Beach No. 2 Pty Ltd
<b>For the following:</b>	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff, Tweed local government area.
<b>Modification:</b>	06_0258 MOD 10: replacement of a hotel and medium density allotments with low density residential development, increase the maximum building height on the main street from 3 to 4 storeys, changes to roads, open space, cycleway layout, staging and changes to storm water works and other infrastructure.

## SCHEDULE 2

- (a) Schedule 1 Part C – Definitions – The definition of ‘sub-stage’ is amended as follows:

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

- (b) Schedule 2 Part A – Administrative Conditions Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

### **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 land into ~~97~~ **172** lots comprising:
  - a. ~~78~~ **156** low density residential lots;
  - b. ~~5~~ **3** medium density residential lots;
  - c. ~~5~~ **6** mixed use lots;
  - d. 2 commercial lots;
  - e. 1 retail lot;
  - f. ~~1~~ hotel lot;
  - g. ~~3~~ **5** open space **and drainage** lots; and
  - h. ~~2 lots for the purposes of drainage.~~

**(including modifications required by Condition B38(3))**
- 3) Construction of the retail centre in two (2) stages with a combined floor space of 5,274m<sup>2</sup> comprising a maximum of 5,029m<sup>2</sup> of retail floor space. The retail floor space is composed of:
  - a. a 2,300m<sup>2</sup> supermarket as part of Stage 1, increasing by 1,000m<sup>2</sup> to 3,300m<sup>2</sup> total as part of Stage 2;
  - b. specialty retail shops of 1,317m<sup>2</sup> as part of Stage 1, increasing by 264m<sup>2</sup> to 1,581m<sup>2</sup> total as part of Stage 2; and
  - c. a restaurant of 148m<sup>2</sup> total as part of Stage 1.

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.

- (c) Schedule 2 Part A – Administrative Conditions Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

**A2      *Project in Accordance with Plans***

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

<b>Architectural (or Design) Drawings prepared by ML Design</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
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
<b>Engineering Drawings prepared by Cardno (QLD) Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
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
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
<b>Traffic Engineering Drawings prepared by Cardno Eppell Olsen</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
8491-101	G	Tweed Coast Road / Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way / Town Centre Drive Intersection Concept Opt 1	23/01/09
SK011		Austroads 19m Semi – Site and Loading Ingress Manoeuvre A	15/11/2011
SK012		Austroads 19m Semi – Site and Loading Ingress Manoeuvre B	15/11/2011
SK013		Austroads 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		Austroads 8.8m Truck – Site and Loading Ingress Manoeuvre	15/11/2011
SK017		Austroads 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
<b>Supermarket Architecture Drawings prepared by <del>Donovan Hill</del> Thompson Adsett</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A000	C	Cover Page/Contents	30/01/2015
A001	C	Site Plan and Schedules Stage 2	30/01/2015
A002	C	Site Plan and Schedules Stage 1	30/01/2015
A003	C	Ground Floor Plan Stages 1 & 2	30/01/2015
A004	C	Ground Floor Plan Stage 1	30/01/2015
A005	C	First Floor Plan Stages 1 & 2	30/01/2015
A006	C	First Floor Plan Stage 1	30/01/2015
A007	C	Roof Plan	30/01/2015
A008	C	Elevations	30/01/2015

A009	C	Sections	30/01/2015
A010	C	Perspective Sketches	30/01/2015
A011	C	Shadow Diagrams	30/01/2015
A012	A	Building Signage Details	30/07/2014
A013	B	Proposed Finishes	30/01/2015
<b>Landscape Drawings prepared by EDAW</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
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
<b>Stage 1A drawings prepared by Cardno (Qld) Pty Ltd.</b>			
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
DA120	B	Stage 1A Dedication and Easement Plan	18/11/10
DA121	B	Stage 1A Proposed Cycleway/Drainage Re-alignment Layout Plan	18/11/10
DA122		Proposed Additional Works in Lot 10	08/09/10
<b>Drawing prepared by Newton Denny Chapelle (06_0258 MOD 5)</b>			
C56	Rev 6	Road 6- Cul de Sac Head Grades	27.08.2013
<b>Drawing prepared by ADG (06_0258 MOD 5)</b>			
S02	08	Retaining Wall Layout and Details	22.07.2013
S04	06	Wall and Stair Details	22.07.2013
<b>Drawings prepared by Newton Denny Chapelle (06_0258 MOD 6)</b>			
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

**As amended by the following drawings submitted as part of Modification 10:**

<b>Drawings prepared by Newton Denny Chapelle (06_0258 MOD 10)</b>			
<b><u>Drawing No.</u></b>	<b><u>Revision</u></b>	<b><u>Name of Plan</u></b>	<b><u>Date</u></b>
<b><u>13/054</u></b>	<b><u>C</u></b>	<b><u>Subdivision Layout Plan Stage 1D</u></b>	<b><u>17.08.17</u></b>
<b><u>13/054</u></b>	<b><u>C</u></b>	<b><u>Subdivision Layout Plan Stage 1E</u></b>	<b><u>17.08.17</u></b>
<b><u>13/054</u></b>	<b><u>C</u></b>	<b><u>Subdivision Layout Plan Stage 1E – Detail 1</u></b>	<b><u>17.08.17</u></b>

<u>13/054</u>	<u>C</u>	<u>Subdivision Layout Plan Stage 1E – Detail 2</u>	<u>17.08.17</u>
<u>13/054</u>	<u>C</u>	<u>Subdivision Staging Plan</u>	<u>17.08.17</u>
<u>13/054</u>	<u>C</u>	<u>Development Sequence Plan</u>	<u>17.08.17</u>
<b>Landscape Plans by RPS</b>			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>119385-3</u> <u>Page 3 of 5</u>	<u>F</u>	<u>Landscape Masterplan</u>	<u>28/09/2017</u>
<u>119385-3</u> <u>Page 4 of 5</u>	<u>F</u>	<u>Neighbourhood Park</u>	<u>28/09/2017</u>
<u>119385-3</u> <u>Page 5 of 5</u>	<u>F</u>	<u>Foreshore</u>	<u>28/09/2017</u>
<b>Drawing Prepared by BG&amp;E Engineering</b>			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>C-0003</u>	<u>E</u>	<u>Open Space Dedication Plan</u>	<u>01/02/2018</u>
<u>C-0003</u>	<u>E</u>	<u>Site Layout Plan</u>	<u>01/02/2018</u>
<u>C-0005</u>	<u>B</u>	<u>Existing Features Plan</u>	<u>08/06/2017</u>
<u>C-0010</u>	<u>C</u>	<u>Bulk Earthworks Plan Sheet 1</u>	<u>09/08/2017</u>
<u>C-0011</u>	<u>A</u>	<u>Bulk Earthworks Sections Sheet 1</u>	<u>09/05/2017</u>
<u>C-0012</u>	<u>A</u>	<u>Bulk Earthworks Sections Sheet 2</u>	<u>09/05/2017</u>
<u>C-0013</u>	<u>A</u>	<u>Bulk Earthworks Sections Sheet 3</u>	<u>09/05/2017</u>
<u>C-0014</u>	<u>B</u>	<u>Bulk Earthworks Sections Sheet 4</u>	<u>08/06/2017</u>
<u>C-0015</u>	<u>B</u>	<u>Bulk Earthworks Sections Sheet 5</u>	<u>08/06/2017</u>
<u>C-0016</u>	<u>A</u>	<u>Bulk Earthworks Sections Sheet 6</u>	<u>09/05/2017</u>
<u>C-0020</u>	<u>A</u>	<u>Road Longitudinal Section MC01 Sheet 1</u>	<u>09/05/2017</u>
<u>C-0021</u>	<u>A</u>	<u>Road Longitudinal Section MC01 Sheet 2</u>	<u>09/05/2017</u>
<u>C-0022</u>	<u>A</u>	<u>Road Longitudinal Section MC01 Sheet 3</u>	<u>09/05/2017</u>
<u>C-0023</u>	<u>A</u>	<u>Road Longitudinal Section MC02 Sheet 1</u>	<u>09/05/2017</u>
<u>C-0024</u>	<u>A</u>	<u>Road Longitudinal Section MC02 Sheet 2</u>	<u>09/05/2017</u>
<u>C-0025</u>	<u>A</u>	<u>Road Longitudinal Section MC03 Sheet 1</u>	<u>09/05/2017</u>
<u>C-0026</u>	<u>A</u>	<u>Road Longitudinal Section MC04 Sheet 1</u>	<u>09/05/2017</u>
<u>C-0030</u>	<u>C</u>	<u>Stormwater Layout Plan</u>	<u>09/08/2017</u>
<u>C-0035</u>	<u>A</u>	<u>Stormwater Longitudinal Sections Sheet 1</u>	<u>09/05/2017</u>
<u>C-0036</u>	<u>A</u>	<u>Stormwater Longitudinal Sections Sheet 2</u>	<u>09/05/2017</u>
<u>C-0037</u>	<u>B</u>	<u>Stormwater Longitudinal Sections Sheet 3</u>	<u>08/06/2017</u>
<u>C-0038</u>	<u>B</u>	<u>Stormwater Longitudinal Sections Sheet 4</u>	<u>08/06/2017</u>
<u>C-0039</u>	<u>B</u>	<u>Stormwater Longitudinal Sections Sheet 5</u>	<u>08/06/2017</u>
<u>C-0040</u>	<u>B</u>	<u>Stormwater Longitudinal Sections Sheet 6</u>	<u>08/06/2017</u>
<u>C-0041</u>	<u>B</u>	<u>Stormwater Longitudinal Sections Sheet 7</u>	<u>08/06/2017</u>
<u>C-0050</u>	<u>C</u>	<u>Services Plan Sheet 1</u>	<u>09/08/2017</u>
<u>C-0055</u>	<u>C</u>	<u>Sewerage Reticulation Longitudinal Sections Sheet 1</u>	<u>09/08/2017</u>

<u>C-0056</u>	<u>B</u>	<u>Sewerage Reticulation Longitudinal Sections Sheet 2</u>	<u>08/06/2017</u>
<u>C-0057</u>	<u>B</u>	<u>Sewerage Reticulation Longitudinal Sections Sheet 3</u>	<u>08/06/2017</u>
<u>C-0058</u>	<u>B</u>	<u>Sewerage Reticulation Longitudinal Sections Sheet 4</u>	<u>08/06/2017</u>
<u>C-0060</u>	<u>B</u>	<u>Sewer Pump Station Layout</u>	<u>08/06/2017</u>

- (d) Schedule 2 Part A – Administrative Conditions Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**A3 Project in Accordance with Documents**

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

- 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,
- 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).
- 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.
- 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.
- e) *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.
- f) *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.
- g) *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.
- h) *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.
- i) *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).

- j) *Section 75W Modification No. 8 Project Approval (amended) MP 06\_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group and dated August 2014, as amended by *Section 75W Modification No. 8 Project Approval MP 06\_0258 Casuarina Town Centre Addendum Report* prepared by BBC Consulting Planners and dated 16 December 2014.
  - k) *Section 75W Modification No. 9 Project Approval MP 06\_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, and dated August 2015, as amended by *Section 75W Modification No. 9 Project Approval MP 06\_0258 Casuarina Town Centre Addendum Report* prepared by BBC Consulting Planners and dated April 2015
  - l) *Section 75W Modification No. 11 Project Approval MP 06\_0258 Casuarina Town Centre* prepared by Planit Consulting on behalf of Coles Supermarkets Pty Ltd undated
  - m) **Section 75W Modification No. 10 Project Approval MP 06\_0258 Casuarina Town Centre** prepared by Newtown Danny Chapelle, on behalf of CTC Unit Trust, dated January 2016, as amended by **Response to Submissions titled MP06\_0258 Casuarina Town Centre – Modification 10**, prepared by Newton Danny Chapelle, and dated 3 October 2017 as amended by additional information submitted on 15 December 2017, 19 January 2018, 6 February 2018, 13 March 2018 and 10 April 2018
- (e) Schedule 2 Part A – Administrative Conditions Condition A5 is added as follows:

**A5      Staging**

**The approval is to be carried out in 5 sub-stages including:**

- **Substage 1A – development of Casuarina Way, roads 1, 5 and 6, development lot 1 (retail centre), lots 19 - 56 (low density residential) and associated bulk earthworks, landscaping and services**
- **Substage 1B – development of lots 58 to 97 (low density) and associated road and infrastructure works**
- **Substage 1C – development of lot 3 (medium density) and Lot 2A (childcare centre)**
- **Substage 1D - Stormwater works, open space works, construction all remaining roadworks and civil works**
- **Substage 1E – subdivision to create 77 low density Torrens title and 9 medium density / mixed use allotments (including modifications required by Condition B38(3)).**

**The works maybe carried out concurrently, except, all works in Stage 1D, including construction, embellishment and arrangement for dedication of all roads, open space, drainage works, and infrastructure must be completed prior to the issue of a Subdivision Certificate for Stage 1E.**

- (f) Schedule 2 Part B1 – Prior to the issue of Construction Certificates for Individual sub-stages 1A, 1B, and the Retail Centre, Condition B9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**B9 Construction Compliance Bond and Long Service Levy**

- (1) Prior to the issue of 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~~) **as set out in Council's fees and charges at the time of payment.**

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.

- (g) Schedule 2 Part B1 – Prior to the issue of Construction Certificates for Individual sub-stages 1A, 1B, and the Retail Centre, Condition B32 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**B32 Landscaping Plan**

Detailed landscape plan(s) shall be prepared for all landscaping proposed as part of 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 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 in to consideration site specific parameters;
  - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
  - maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.
- ~~(k) A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.~~
- ~~(l) Planting design which demonstrates adequate screening of views to the development from Tweed Coast Road. Screening should be consistent with the current streetscape character of Tweed Coast Road.~~
- (m) The location of all cycleways and pathways proposed on the site, including proposed construction materials.
- (n) The location of all Asset Protection Zones as approved by the Rural Fire Service.
- ~~(o) Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in~~

~~accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.~~

- ~~(p) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.~~
- (q) The landscape plans for public open space areas (to be dedicated to Council) shall demonstrate that all bridges, boardwalks or similar structures associated with cycleways, parks or pedestrian paths are of robust construction and designed to minimise long term maintenance. The subframe will be either hardwood, recycled plastic, fibre composite or similar material. The decking, kickboards and handrails shall utilise appropriate recycled plastic materials.
- (r) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 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'.

- (h) Schedule 2 Part B2 – The heading of the Section is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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

- (i) Schedule 2 Part B1 – Prior to the issue of Construction Certificates for Individual sub-stages 1A, 1B, and the Retail Centre, Condition B38 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

***B38 Design Modifications***

The design of the layout, **staging** 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.~~
  - (1) All remaining infrastructure, including the development and arrangements for dedication of parks and open space are to be carried out as part of Stage 1D. Modified staging plans are to be submitted to the certifying authority for approval prior to the issue of a Construction Certificate for Stage 1D.**
  - (2) A continuous median on Grand Parade is to be provided between Road C and the foreshore to prevent right turn movements into or out of the laneway servicing lots 77 and 78-83. Amended Plans are to be submitted to the satisfaction of Council prior to the issue of a construction certificate for Stage 1D.**
  - (3) Lots 72 and 78 to 83 are to be converted to a single medium density mixed use allotment which incorporates an active street frontage to Grand Parade, and which may incorporate an active frontage to the park. Modified plans are to be submitted to the certifying authority for approval prior to the issue of a Construction Certificate for Stage 1D and incorporated into the subdivision plans prior to the issue of a Subdivision certificate for Stage 1E.**
- (j) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B39A is added after condition B39 as follows:

**B39A Contamination**

**Prior to the issue of a Construction Certificate for Stage 1D, the Proponent shall submit a Remedial Action Plan and a Hazardous Materials Survey to the Council. Where necessary, the survey prepared in accordance with Condition B1 is to be updated to take account of the changed layout under Modification 10. Council will identify minimum remediation depths for both private and public open spaces. As a minimum, in areas that have been identified as displaying above background levels, remediation should occur to a depth of 2 metres or below the lowest service infrastructure, whichever is the greater. Any updated Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.**

- (k) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D and 1E works Condition B39B is added as follows:

**B39B Acid Sulfate Soil Management Plan**

**Where necessary the Acid Sulfate Soil Management Plan approved under condition B6 shall be updated to take into account the revised layout under Modification 10. The Management Plan shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 1D.**

- (l) Schedule 2 Part B1 – Prior to the issue of Construction Certificates for Individual sub-stages 1A, 1B, and the Retail Centre, Condition B44 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**B44 Road Design**

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads.

**The laneways servicing Lots 36-46, 44,45, 46 52, 53, 76, 72 and 78-83 are to be designed as public laneways dedicated to Council. The laneways are to be constructed in accordance with Tweed Shire Council standards.**

All roads **and laneways in Stage 1D** shall be designed in consultation with the relevant requirements of **and approved by** Council and the RTA (as applicable) **with** 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.

- (m) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D and 1E works Condition B44A is added as follows:

**B44A Road Design**

**The Proponent shall provide access to Lots 14-16 by way of a shared driveway (right of way access). The detail design shall be submitted as part of the Construction Certificate engineering plans and specifications including the following required works:**

- a. **Provision of a standard shared residential access in accordance with Council's Development Control Plan - Section A2 "Site Access and Parking Code" and Council's "Driveway Access to Property - Design Specification" (current version).**
- b. **A right of carriageway to be provided in accordance with the provision of Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.**
- c. **The creation of Easements for services and Restrictions as to user may be applicable under Section 88B of the Conveyancing Act.**

**Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating a Right Of Carriageway or Easement shall make provision for maintenance of the Right Of Carriageway or 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 (as applicable).**

**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, Strata Titles Act, Conveyancing Act, or other applicable legislation.'**

- (n) Schedule 2 Part B1 – Prior to the issue of Construction Certificates for Individual sub-stages 1A, 1B, and the Retail Centre, Condition B50 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

***B50 Retaining Walls***

Details from a Structural Engineer are to be submitted to the Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

**An anti-graffiti treatment shall be provided on all retaining walls. The method and type to be submitted to Tweed Shire Council for approval.**

- (o) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B51 is deleted as follows:

**~~*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.*~~

- (p) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B52 is added as follows:

**B52 Landscape Plans**

- (a) **A detailed landscape plan prepared by a qualified landscape architect must be submitted for all Public Reserves and roads to be dedicated to Council, including but not limited to areas of casual open space, structured open space, cycleways, pedestrian walkways and streetscapes. Such a plan must be approved by the General Manager, Tweed Shire Council and include embellishments such as listed in Council's Subdivision Manual (Section A5 of the Tweed Development Control Plan) and Development Design**

Specification (D14) and related Standard Drawings and include grassing, landscaping, seating, park activation areas, playground equipment and shade cover. The plans must provide slope information, indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

- (b) The Landscape Plans are to be generally consistent with the landscape plans approved by Condition A2 with the following amendments to be designed in consultation with Council:
- I. The green buffer along the northern boundary of the site adjacent to the cycleway is to include shade canopy tree planting generally consistent with the landscape plans approved as part of Modification 1
  - II. Amendments to the design of the Civic Park to reduce the extent of driveways and hard surface areas and to improve the connection between the park and the adjoining coastal foreshore reserve.
- (c) Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council's (July 2009). Appendix 3 of this establishes a procedure for assessing nearby hazards and mitigation measures. New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.
- (d) The plants included in landscape plans are to meet the following criteria:
- i. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
  - ii. A minimum of 80% locally occurring native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
  - iii. Where practical locally occurring, native plants should exceed these amounts.
  - iv. Preferred turf species is *Cynodon dactylon* (Green Couch). Justification is required if an alternative species is proposed.
  - v. Industry bred plants (cultivar or variety) are acceptable.
  - vi. No noxious or environmental weeds are to be used.
- (e) Where individual driveway locations are not shown on landscape plans, street trees are to be a minimum of 8 metres from the western or southern boundary of each residential property (or as otherwise agreed with Council) to allow for driveway construction.
- (q) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B53 is added as follows:

**B53 Plans to be submitted**

Prior to the issue of a Construction Certificate for Stage 1D, the following detail in accordance with Council's adopted Development Design and Construction Specifications shall be submitted to the Certifying Authority for approval.

- (a) copies of compliance certificates relied upon



- (b) detailed engineering plans and specifications prepared in accordance with Development Design Specification D13 - particularly Section D13.09. The detailed plans shall include but are not limited to the following:
  - (i) earthworks
  - (ii) roadworks/furnishings
  - (iii) stormwater drainage
  - (iv) landscaping works
  - (v) sedimentation and erosion management plans
  - (vi) location of all service conduits (water, sewer, Country Energy and Telstra)
- (c) electrical reticulation plans clearly identifying the location of streetlights (on the opposite side to water mains), underground cables and all other electrical infrastructure including transformers and substations

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.

- (r) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B54 is added as follows:

**B54 Subdivision Works Accredited Certifier**

The proponent shall appoint a Certifying Engineer who is a Professional Engineer (Civil) with the National Engineering Register (NER) or a Registered Surveyor.

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

- (s) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B55 is added as follows:

**B55 Water and Sewer Supply**

Prior to the issue of a Construction Certificate:

1. Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out – i.e.: the provision of water and sewerage to the development.
2. Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
3. Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works. Approval of this application will be required prior to/in conjunction with issuing the Construction Certificate.

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.

The proposed water and sewer infrastructure on the Civil Works Plan submitted are considered to be preliminary and are subject to change to meet Council requirements.

The proposed sewer pumping station shall meet Tweed Shire Council Development Design Specifications and the wet well shall not be more than 6 meters deep unless otherwise approved by the Water Authority.

The proposed sewer pumping station shall not be located within the DCP B25 Coastal Hazards 2100 max zone.

- (t) Schedule 2 Part B2 – Prior to the issue of a Construction Certificate for Stage 1D works Condition B56 is added as follows:

**B56 Rural Fire Service Requirements**

**1) At the issue of the subdivision certificate and in perpetuity, proposed Lots 1 to 92 (excluding Lot 84) shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document Standards for asset protection zones.**

**2) The Development is to comply with the following requirements:**

- (i) Landscaping to the site (including Lot 84) is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.**
- (ii) Public Road access to the above land shall comply with section 4.1.3 of Planning for Bush Fire Protection 2006**
- (iii) Water, electricity and gas to the above land comply with section 4.1.3 of Planning for Bush Fire Protection 2006**

**Documentary evidence to demonstrate compliance with the above is required to be provided to the satisfaction of the certifying authority prior to the issue of a Construction Certificate.**

- (u) Schedule 2 Part D – During Construction, Condition D6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

**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

### Sewer Pump Station and Lift Stations

- 19) Excavation
- 20) Formwork/reinforcement
- 21) Hydraulics
- 22) Mechanical/electrical
- 23) Commissioning - on maintenance
- 24) Off maintenance

### Storm Water Quality Control Devices (other than proprietary devices)

#### For detail refer to Water by Design - Technical Guidelines

- 25) Earthworks and filter media
- 26) Structural components
- 27) Operational establishment
- 28) Mechanical/electrical
- 29) Commissioning - On Maintenance
- 30) 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.

- (v) Schedule 2 Part D – During Construction, Condition D11A is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

***D11A Dust and Wind Monitoring***

Dust and wind monitoring procedures are to be installed to the satisfaction of the PCA prior to the commencement of the balance of Stage 1 works. The monitoring results are to be reported to the PCA on a monthly basis until the completion of ~~the balance of the~~ Stage 1 **E**. 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.

- (w) Schedule 2 Part E1 – The heading of the Section is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

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

- (x) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

***E2 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
- e) Compliance Certificate - Sewerage Pump Station**
- f) Compliance Certificate - Bulk Earthworks**
- g) Compliance Certificate - Retaining Walls**

Note:

i) All compliance certificate applications **for subdivision works** must be accompanied by documentary evidence from the developers ~~Subdivision Works Accredited Certifier (SWAC)~~ **certifying engineer** 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".

- (y) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**E7 Dilapidation Report**

A second dilapidation report (**supported by photos cross referenced to the original 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. **If damages have occurred the Principle Certifying Authority and Council are to be provided with evidence that the damages have been repaired to the satisfaction of the certifying structural engineer OR that alternative mutually agreeable arrangements (ie: between the Developer and the affected property owner) have been finalised, prior to the issue of a Subdivision Certificate.** The report is to be submitted to the Principal Certifying Authority, prior to issue of the Subdivision Certificate.

- (z) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**E10 Water and Sewerage**

Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation (**including household connections**) 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.

**Fire Hydrants spacing, sizing and pressures shall comply with Council's DCP – Section A5 – Subdivision Manual, associated Development Design and Construction Specifications and AS2419.1-2005.**

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.

- (aa) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E11 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

***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.~~

**The production of written evidence from the local telecommunications supply authority certifying that the provision of underground telecommunications at the front boundary of the allotment / all allotments has been completed.**

**Unless agreed otherwise by Council, an acceptable form is Telstra's "Telstra Network Infrastructure Letter" or NBN's "Provisioning of Telecommunication Services - Confirmation of final payment" letter (for small subdivisions) / "Certificate of Practical Completion of NBN network infrastructure" letter (for large subdivisions) (as applicable to the development).**

**The NBN letter must reference:**

- **Over which Lot and Deposited Plan the agreement applies to,**
- **Identification of the number of lots to be serviced,**

**The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and**

**The reticulation includes 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.**

**An acceptable form is Essential Energy's "Notice of Arrangement".**

**Unless agreed otherwise by Council, the form must reference:**

- **Over which lot and Deposited Plan did the arrangement for the provisioning of electricity (and street lighting, as applicable) apply to,**
- **Identification of the proposed lots to be created that have been serviced, or the development stage to which the arrangement applies,**

**Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.**

**Compensatory measures may be pursued by the General Manager or his delegate for any significant effect on Public Reserves or Drainage Reserves.**

- (bb) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E Condition E20A is added as follows:

***E20A Earthworks***

**Prior to the issue of the Subdivision Certificate for any stage of development, an appropriately qualified, practising professional Geotechnical Engineer shall provide site classifications based on site reactivity for each individual residential allotment in accordance with AS2870 (current version). If the site classification for any individual allotments is found to be poorer than 'M', then all such affected allotments shall be burdened by a Restriction on Use pursuant to Section 88B of the Conveyancing Act advising future owners of the site classification.**

- (cc) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E Condition E20B is added as follows:

***E20B Sewer Pumping Station***

**A separate lot (not an easement) shall be created in the plan of subdivision for the sewer pumping station site and dedicated to Council.**

- (dd) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E Condition E20C is added as follows:

***E20C Sewer Pumping Station site***

**The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision. The lot shall be of a size and shape suitable for the sewer pump station, including access driveway and turning head and all future structures that may be required, and shall meet a minimum buffer of 30 meters between the pump station, collector manhole or vent and adjacent property boundary in accordance with Council's Development Design Specification D12.**

- (ee) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E Condition E20D is added as follows:

***Demolition of the existing sewer***

**E20D Bulk earthworks within a 10 metre proximity to the existing trunk sewer on the lot shall not commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned as part of the initial staged works and approved by Council. Similarly the demolition of the existing trunk sewer cannot commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned.**

- (ff) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

**E21 Section 94 7.11 Monetary Contributions**

**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 (ET trip rate includes 40% concession offered under Section 3.1 of the Tweed Road Contribution Plan)	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
			<b>888,182.75</b>

**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 (ET trip rate includes 40% concession offered under Section 3.1 of the Tweed Road Contribution Plan)	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
			<b>271,374.51</b>

**STAGE 1B Subdivision contributions**

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub – TOTAL (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	253.5	1,186	300,651
TRCP Sector 7_4 LCA4- Casuarina	253.5	174	44,109
Street Trees (S94 Plan 11)	39	297	11,583
Libraries (S94 Plan 11)	39	838	32,682
Bus Shelters (S94 Plan 12)	39	64	2,496
Cemeteries	39	123	4,797



(S94 Plan 13)			
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
			<b>753,453.09</b>

#### **STAGE 1C Subdivision contributions**

<b>Plan</b>	<b>No. of ET/ Trips</b>	<b>\$ per ET/ Trips</b>	<b>Sub – TOTAL (\$)</b>
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
			<b>10,700.31</b>

#### **BALANCE OF STAGE 1 Subdivision contributions**

<b>Plan</b>	<b>No. of ET/ Trips</b>	<b>\$ per ET/Trip</b>	<b>Sub- Total (\$)</b>
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
			<b>154,554.48</b>

### **STAGE 1E Subdivision contributions**

<b>Plan</b>	<b>No. of ET/ Trips</b>	<b>\$ per ET/Trip</b>	<b>Sub- Total (\$)</b>
<u>Tweed Road Contribution Plan (Cp No. 4, Sector 7, Version 5.1, January 2009)</u>	<u>552.5</u>	<u>1,293</u>	<u>714,383</u>
<u>TRCP Sector 7 4 LCA\$- Casuarina</u>	<u>552.5</u>	<u>200</u>	<u>110,500</u>
<u>Street Trees (s94 Plan 6)</u>	<u>85</u>	<u>297</u>	<u>25,245</u>
<u>Libraries (S94 Plan 11)</u>	<u>85</u>	<u>933</u>	<u>79,305</u>
<u>Bus Shelters (S94 Plan 12)</u>	<u>85</u>	<u>71</u>	<u>6,035</u>
<u>Cemeteries (S94 Plan 13)</u>	<u>85</u>	<u>135</u>	<u>11,475</u>
<u>Lifesaving (S94 Plan 16)</u>	<u>85</u>	<u>113</u>	<u>9,605</u>
<u>Council Admin (S94 Plan 18)</u>	<u>85</u>	<u>2,187.14</u>	<u>185,906.90</u>
<u>Community Facilities – Casuarina Beach/Kings Forest (S94 Plan 19)</u>	<u>85</u>	<u>2,489</u>	<u>211,565</u>
<u>Regional Open Space (Casual- S94 Plan 26)</u>	<u>85</u>	<u>1,215</u>	<u>103,275</u>
<u>Regional Open Space (Structured- S94 Plan 26)</u>	<u>85</u>	<u>4,264</u>	<u>362,440</u>
			<b><u>1,819,734.90</u></b>

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

- (gg) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

### **E22 Section 64 Monetary Contributions**

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

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

**A Subdivision Certificate shall NOT be issued unless the Certifying Authority is satisfied provisions pursuant to Section 109J of the EP&A Act, 1979 have been complied with and the Certifying Authority has sighted Council's Certificate of Compliance signed by an authorised officer of Council.**

The current charges applicable are:

### **BELOW IS ADVICE ONLY**

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

#### **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
			<b>775,269</b>

#### **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
			<b>184,135.96</b>

#### **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
			<b>55,439.04</b>

#### **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
			<b>734,878</b>

#### **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
			<b>18,909</b>

#### **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
			<b>158,992</b>

#### **STAGE 1E Subdivision contributions**

Plan	No. of ET	\$ per ET	Sub-Total (\$)
<u>Water South East</u>	<u>85</u>	<u>13,926</u>	<u>1,183,710</u>
<u>South Kingscliff Water Addition</u>	<u>85</u>	<u>351</u>	<u>29,835</u>
<u>Sewer Kingscliff</u>	<u>85</u>	<u>6,690</u>	<u>568,650</u>
			<b><u>1,782,195</u></b>

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.

- (hh) Schedule 2 Part E1 – Prior to the issue of a Subdivision Certificate for Individual Substages 1A, 1B, 1C and 1E, Condition E23 is added as follows:

**E23      Landscaping and Public Land**

**60 days prior to lodgement of an Application for Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Sports Fields, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land.**

**Prior to the release of a Subdivision Certificate for each stage of the project, all Public Reserves shall be dedicated to Council and suitably embellished at no cost to Council in accordance with the approved detailed landscape plans**

**The exception to this is playground equipment and softfall. Council will undertake the installation when 20% or more of the relevant stage's allotments are occupied. The developer must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and a bank guarantee or cash contribution equivalent to the value of playground purchase and installation,**

**The developer is to undertake care and maintenance operations on all streetscapes, casual open space and structured open space for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer**

**A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of any Subdivision Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non-compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.**

**The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.**

**Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted for all landscaped casual open space, active open space & streetscapes. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.**

**The plans are to be certified by a registered surveyor or consulting engineer.**

**Two categories of WAX plans are to be provided:**

- (a) **The original approved plan with any variation to this indicated.**
- (b) **Plan showing only the actual as constructed information,**

**The plans are to be submitted in the following formats:**

- (a) **A PDF version on CD or an approved medium.**
- (b) **An electronic copy in DWG or DXF format on CD or an approved medium.**

**End of Modification 10**