

TWEED SHIRE COUNCIL

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

**NOTICE TO APPLICANT OF APPROVAL OF A DEVELOPMENT
APPLICATION**

To: Mr Bruce Druery
Patterson Britton & Partners
PO Box 515
NORTH SYDNEY NSW 2059

Pursuant to Section 92 of the Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **S96/49 (as amended)** in respect of the proposed subdivision proposed 37 lot industrial subdivision of the land described as:-

Lot 2 DP 569304 Tringa Street, Tweed Heads West

The application has been determined by the granting of consent and the final plan thereof will be certified by the General Manager on compliance with the following conditions:

GENERAL

- 1A. Prior to approval of the engineering plans required by condition 19 of this consent, the applicant/owner shall submit documentary evidence that the proposed road within Council's Sewerage Treatment Works site has been purchased from Council and dedicated.
- 1B. Notwithstanding any other condition of this consent a Construction Certificate for the Water Quality Control Pond (Stage 1) may be issued and the carrying out of works associated with the water quality pond for Stage 1 may be commenced prior to the issue of a Construction Certificate for the remaining subdivision works (Stage 2), subject to compliance with the following conditions: - 1A, 1, 2, 3, 4, 5, 8, 11, 13, 14, 15, 19, 21, 26, 27, 28, 30, 31, 32, 33, 35, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56 & 57.
1. The development shall be completed in general accordance with the document Tweed Heads West Lot 2 DP 569304 Proposed Industrial Subdivision - Stage 1 Issue No 2 prepared by Patterson Britton & Partners and dated April 1996 and the amended Figure 2.2 dated 24/9/96 except where varied by these conditions.
2. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property or proposed and existing road reserves to be constructed/upgraded.

3. No soil, sand, gravel, clay or other material shall be disposed of off the site.
4. 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 to the satisfaction of the Director of Engineering Services prior to release of any linen plan of subdivision and/or prior to occupation of the buildings.
5. The subdivision is to be carried out in accordance with Development Control Plan No. 16 - Subdivisions Manual.
6. The linen plan of subdivision will not be endorsed by the General Manager and released for registration until such time as all conditions of development consent No S96/49 have been complied with.
7. The creation of easements for services, rights of carriageway and restrictions as to user as maybe applicable under Section 88B of the Conveyancing Act including the following:
 - i) Restriction to use preventing the erection of fences within the drainage easement traversing Lot 19 and the balance lot.
 - ii) Restriction as to use requiring buildings erected on Lots 1 to 10 and any use of such lots to be designed in such a way as to minimise noise impacts on residential premises as proposed in the Environmental Noise Level Impact Assessment dated November 1995.
8. Where the construction work is on or adjacent to public roads, parks and drainage reserves and the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
9. Provide 6.0 metre truncations of real property boundaries at all intersections.
10. A 10 metre wide reserve along the western boundary of the site adjoining Cobaki Broadwater (Lots 11-19) is to be dedicated as public reserve at no cost to Council. No vegetation is to be disturbed in this area and no fill placed on the land.
11. Approval is to be obtained under the Soil Conservation Act prior to the removal of any vegetation within 40 metres of the Cobaki Broadwater.
12. An acoustically designed barrier is to be erected on the southern boundary of the proposed reserve (within Lot 2 DP 729139) between the development site and the residences in Tringa Street. The design of the acoustic barrier shall be integrated into the landscaping of this reserve to reduce visual impacts. Details of the barrier are to be submitted to and approved by the Director Environment and Community Services prior to the approval and release of the engineering plans and the barrier is to be constructed prior to release of the linen plan of subdivision.
13.
 - (i) A detailed acid sulphate soil investigation is to be carried out in accordance with the Environmental Protection Authority guidelines for assessing and managing acid sulphate soils, in the location of any excavations.
 - (ii) The excavated fill material is to be tested in accordance with the Environment Protection Authority requirements for the presence of acid sulphate material and any recommended mitigation measures are to be implemented.

14. The water pollution control pond is to be designed in accordance with the Department of Housing's "Soil and Water Management for Urban Development"
15. Monitoring of the discharge water from the water pollution control pond is to be undertaken on a six monthly basis for a period of three years from release of the linen plan of subdivision. Testing is to include (but not be limited to) the following parameters; oil and grease, suspended solids, pH and nutrients.
16. Provision is to be made for vehicular access and extension of services to adjoining lot 1 DP 569304. Details are to be submitted to and approved by the Director of Development Services prior to approval of the Engineering Plan.

CONTRIBUTIONS

17. Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan prior to release of the linen plan of subdivision. These charges will remain fixed for a period of 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 the payment.
 - a. Lower Tweed Transportation Study (Distributor Roads)

37 lots @ \$1157.21	\$42,816.77
Sector 4 S94 Plan No. 4	
 - b. Street Trees: 37 lots @ \$38.50

Section 94 Plan No. 6	\$1424.50
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18. A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Council before subdivision survey plans are released. Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water 37 lots @ \$3,310	\$122,470.00
Sewer 37 lots @ \$2,660	\$98,420.00

FURTHER APPROVALS

19. Submission of an application for the subdivision of land under Part 12 of the Local Government Act, 1919, including:
 - i) Engineering plans for roadworks, drainage and associated works (3 copies)
 - ii) Engineering plans for outfall sewerage reticulation (3 copies)
 - iii) Engineering plans for water supply reticulation in accordance with Council's specification (3 copies):
 - iv) A Plan showing the location of all service conduits (water, Northpower and Telstra) is to be submitted and approved with the engineering plans.
 - v) The final linen plan and seven (7) copies together with any applicable Section 88B Instrument, accompanied by linen fees of \$90/lot, ie. 38 lots @ \$90/lot = \$3,420.00.
20. The submission of the preferred names(s) for the proposed street(s)/road(s) in the subdivision for approval. Approved street names are to be shown on the final linen plans.
21. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty-eight (48) hours notice of proposed

commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.

22. The following roadworks, drainage and associated works shall be carried out to the satisfaction of the Director Development Services PRIOR to release of the linen plan in accordance with engineering plans to be submitted to and approved by the Director Development Services and the Director Engineering Services prior to work commencing.
- i) The internal roads in the subdivision to be as defined in the Tweed Shire Council, Development control Plan No 16, consisting of a 13.0 metre wide asphaltic concrete pavement within a 20.0 metre road reserve and to be constructed to the requirements and satisfaction of the Director, Development Services.
 - ii) Pursuant to Clause 14.3.4 of Development Control Plan 16 all cul-de-sac bulbs and road junctions within the estate shall be concrete paved as far as the tangent points of kerb returns.
 - iii) The external road connection from the subdivision to Gray Street shall consist of a 9.0 metre wide asphaltic concrete pavement within a 14.0 metre road reserve and shall incorporate a re-design of the existing Council staff carpark to include any alterations necessary to maintain the functionality of the carpark, all to be constructed to the requirements and satisfaction of the Director Development Services and Director Engineering Services.
 - iv) Construct along the full length of the northern side of the proposed 9.0 metre wide access road, kerb and gutter including formation of a 3.5 metre wide footpath. The alignment of the footpath shall be designed to minimise tree removals.
 - v) Upgrade the full length of Gray Street from Kennedy Drive to the proposed 14.0 metre wide access road as follows:
 - * 2 metre road pavement widening and associated works
 - * Gray Street pavement is to be designed and upgraded to provide a 20 year design life for the projected traffic volumes.
 - * The pavement is to be resurfaced with a 40mm thick polymer modified noise reducing asphalt surface.
 - vi) Traffic signals are to be designed, installed and commissioned at the intersection of Gray Street and Kennedy Drive. The works will include all modifications to the existing roads to accommodate the traffic signals. The signals are to be designed and approved by the Roads and Traffic Authority prior to installation under Roads & Traffic Authority supervision. The traffic signals shall be completed to the satisfaction of the Director Development Services and the Director Engineering Services PRIOR to release of the linen plan of subdivision.
 - vii) Provision of approved signage within the 9.0 metre road reserve access road, to restrict stopping or parking to the satisfaction of the Director Development Services.
 - viii) The public reserve (pathway) between Lots 14 and 15 shall be concrete paved full width.
23. Construct along the full length of Gray Street, on the eastern side, a 1.2 metre wide concrete footpath on an approved alignment to the satisfaction of the Director Development Services and the Director Engineering Services.
24. Construct along the full length of the 9.0 metre wide access road, on the northern side, a 1.2 metre wide concrete footpath on an approved alignment to the satisfaction of the Director Development Services and the Director Engineering Services.
25. Certification by a qualified Engineer that the works have been performed under his/her supervision in accordance with the approved engineering plans and specifications.

DRAINAGE/FLOODING

26. All fill shall be obtained from an approved source within the Cobaki Broadwater. The fill is to be hydraulically placed subject to:-
- i) a) No filling is to be placed hydraulically within twenty metres (20m) of any boundary that abuts private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically.
 - b) A bond or bank guarantee of \$25,000.00 is to be lodged with Council prior to placement of any fill on the site. This bond will be drawn on by Council to undertake any rectification work directed but not completed or progressing to the satisfaction of the Director, Engineering Services within seventy-two (72) hours from the date of serving any notice.
The bond to be released upon completion of all work to the satisfaction of the Director, Engineering Services.
 - c) The applicant is to provide details of settling ponds and the method discharging the return water from the site. No work is to commence until the scheme is approved by the Director, Engineering Services.
 - d) The applicant shall be responsible for obtaining all necessary approvals and licenses from the Environmental Protection authority prior to commencement of work.

No filling material (other than road pavement material) shall be hauled to the site by road transport.
27. The earthworks program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B: AS3798-1996.
28. The site to be filled and drained to the satisfaction and requirements of the Director Development Services to a minimum level of RL 1:50 metres AHD.
29. Interallotment drainage shall be provided to ALL lots within the subdivision, discharging to the proposed trunk drainage system within the roadway, to the satisfaction and requirements of the Director Development Services.
30. All fill is to be graded so that it drains to the street and where necessary, perimeter drainage is to be provided to ensure minimal impact on adjoining properties
31. No filling of any description is to be deposited, or remain deposited, within the areas designated as Foreshore/Open Space Reserve on the western boundary, the Southern Vegetated Buffer and the Eastern Landscape Buffer containing the water quality control pond.
32. Adjacent properties shall be preserved from ponding of stormwater or nuisance from discharge of stormwater off the site.
33. All fill batters shall be contained wholly within the subject land.
34. i. Dedication of the proposed drainage reserve at no cost to Council containing the Water Quality Control Panel, including embellishment in accordance with approved plans.
ii. An accurate plan of the proposed drainage reserve shall be submitted to Council 60 days prior to lodgement of the linen plan to allow the land to be classified.

Failure to comply with this condition may result in delays in linen release.

35. A "Soil and Water Management Plan" shall be submitted and approved by the Director Development Services prior to approval of the engineering plans. The Plan shall provide for appropriate pollution (trash racks and Gross Pollutant Traps and measures to arrest oils and surfactants) and erosion control measures including a water quality monitoring program where required during both the construction and operations phases in accordance with the NSW Department of Housing "Soil and Water Management for Urban Development".
36. Certification by a qualified Engineer that the works have been performed under his/her supervision in accordance with the approved engineering plans and specifications.

SERVICES

Sewer

37. The provision of outfall sewerage reticulation to all lots in accordance with engineering plans to be submitted to and approved prior to work commencing.
38. The following sewerage works external to the site shall be carried out to the satisfaction of the Director of Development Services in accordance with engineering plans to be submitted and approved prior to work commencing.
39.
 - i. The sewerage pumping station to be contained wholly within a separate lot.
 - ii. 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.
 - iii. An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the linen plan to allow the land to be classified. Failure to comply with this condition may result in delays in linen release.
40. Certification by a qualified Engineer that the works have been performed under his/her supervision in accordance with the approved engineering plans and specifications.

Water

41. The provision of Town Water to each lot in accordance with plans to be submitted and approved prior to work commencing.
42. Certification by a qualified Engineer that the works have been performed under his/her supervision in accordance with the approved engineering plans and specifications.

Telephone

43. The production of written evidence from Telstra Australia certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

Electricity

44.
 - i. The production of written evidence from Northpower certifying that reticulation of underground electricity has been completed; and
 - ii. The reticulation 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.

ENVIRONMENT PROTECTION

45. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
46. All battered areas are to be topsoiled and grassed, or other suitable protection provided as soon as filling is placed adjacent to neighbouring properties.
47. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
48. The applicant shall achieve the appropriate noise criteria for all properties abutting Gray Street prior to the release of linen plan of subdivision.

The noise level criteria shall be in accordance with the Roads & Traffic Authority "Interim Traffic Noise Guidelines", Table 1, columns 1 to 3 and shall be as follows:

Column 1	Column 2	Column 3
Assessment site category 2	Description	Base Objective
Buildings of a residential nature including residences, hospitals, motels, and caravan parks	"Daytime" (24 hours Leq (24 hours) Night-time (10 pm - 6 am) Leq (8 hour)	60
Classrooms in educational institutions	8.30 am - 3.30 pm Leq (1 hour) internal	55 45 ⁽⁴⁾

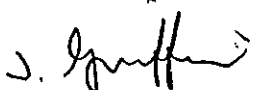
49. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
50. Developer to take all necessary precautions to minimise impact from dust during filling operations from the site and also from construction vehicles.
51. The burning off of trees and associated vegetation felled by clearing operations is not permitted unless such burning is carried out in a specially constructed pit provided with an air curtain over the top. Separate approval is required prior to any burning.
52. Open space buffers and areas not affected by filling operations are to be fenced off prior to commencement of work and remain undisturbed for the duration of the works.
53. All approved sediment and erosion control measures are to be implemented prior to commencement of stripping and filling operations and adequately maintained.
54. Designated stockpile areas for topsoil are to be nominated on engineering plans and be fully secured by a perimeter silt fence to the satisfaction and requirements of Director Development Services.
55. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00am and 7.00pm Monday to Saturday and no work on Sundays.
56. All reasonable steps shall be take to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:

- A. Short Term Period - 4 weeks.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
- B. Long Term Period - the duration.
L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.
57. Certification by a qualified Engineer that the works have been performed under his/her supervision in accordance with the approved engineering plans and specifications.
58. The temporary construction access at the end of Tringa Street is for a period of 10 weeks only, commencing on the 6th August 2003 to 15th October 2003. The access is only to be used for construction of the water quality control pond associated with construction certificate CC03/0535. At the end of the 10 week period the temporary construction access is to be reinstated to the satisfaction of the Director of Development Services, and a chevron warning sign is to be placed at the end of Tringa Street.

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The fees and charges quote above will remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

Dated 13TH day of NOVEMBER 1996

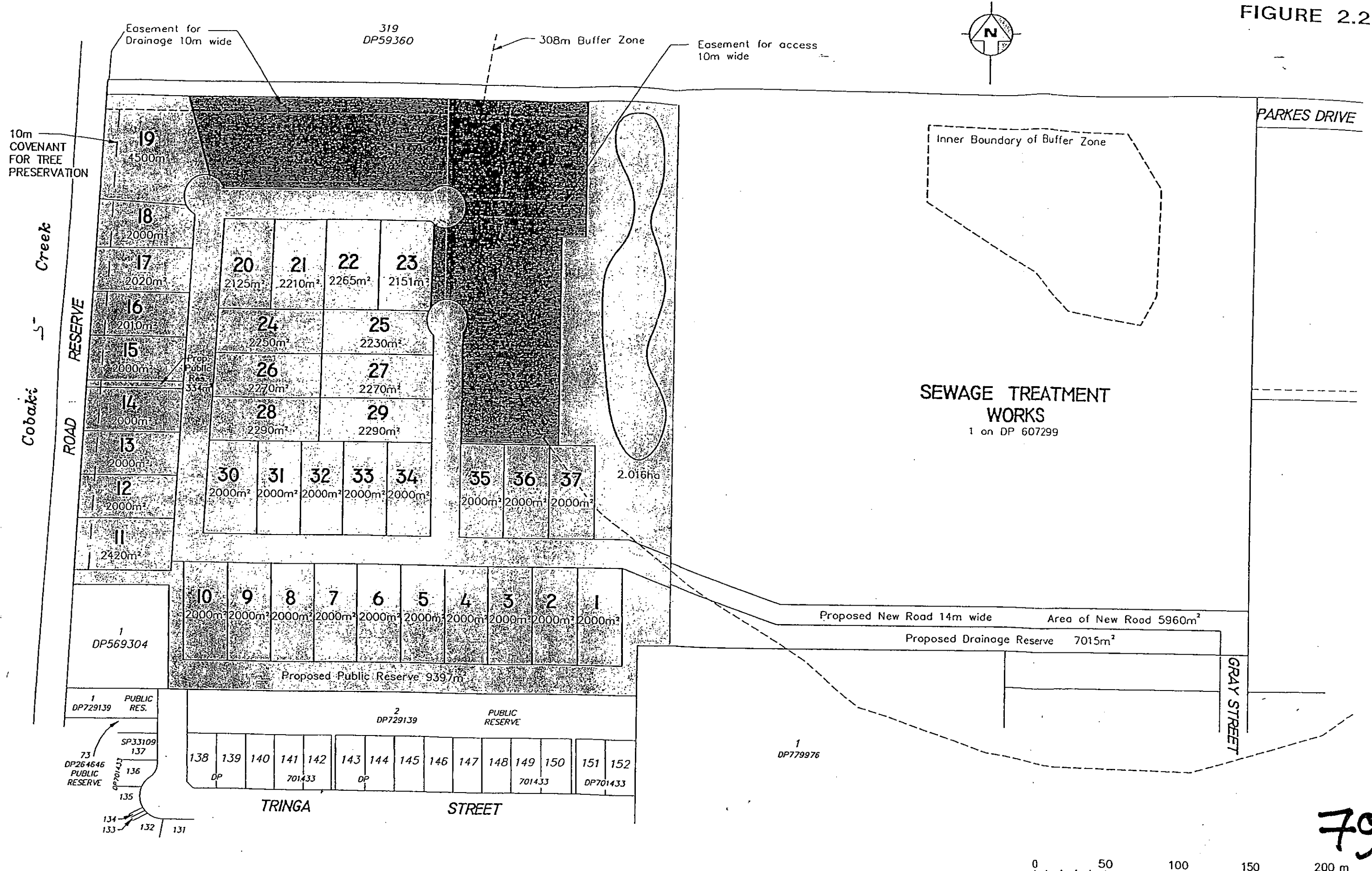

DR JOHN GRIFFIN
GENERAL MANAGER

Enc. Copy of Stamped Plan

(N.B. Refer to Notes attached to this Notice)

per .....

FIGURE 2.2



NOTE Minimum Lot Area 2000m²
 Minimum Frontage 30m
 Industrial Road 20m wide

LEGEND

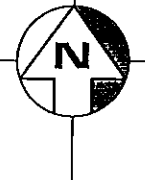
 PROPOSED AREA FOR STAGE 1
 PROPOSED AREA FOR STAGE 2

0 50 100 150 200 m

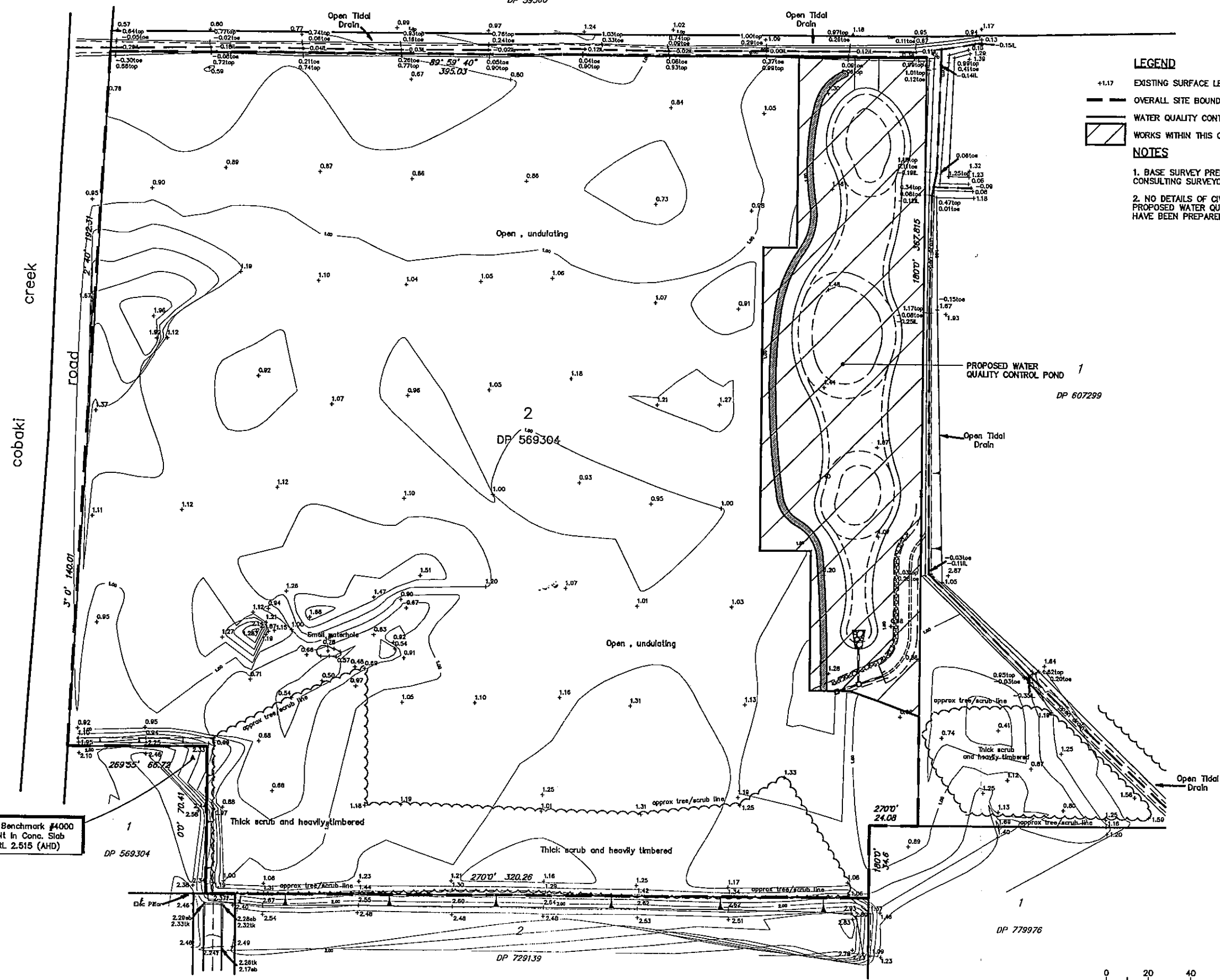
PROPOSED LOT LAYOUT
 AND ACCESS ROUTE
 SHOWING STAGES 1 AND 2

REVISED 24/9/96

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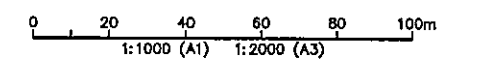


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DP 59360



- LEGEND**
- ±1.17 EXISTING SURFACE LEVEL
 - OVERALL SITE BOUNDARY
 - ▭ WATER QUALITY CONTROL POND BOUNDARY
 - ▨ WORKS WITHIN THIS CONTRACT
- NOTES**
1. BASE SURVEY PREPARED BY BENNETT & BENNETT CONSULTING SURVEYORS, 02.11.95.
 2. NO DETAILS OF CIVIL WORKS BEYOND THE PROPOSED WATER QUALITY CONTROL POND BOUNDARY HAVE BEEN PREPARED.

Site Benchmark #4000
Bolt In Conc. Slab
RL 2.515 (AHD)



DRG STATUS : TENDER, NOT FOR CONSTRUCTION

		INITIALS SHOWN IN THE ADJACENT ISSUE RECORDS INDICATE THE STAGES UNDERTAKEN IN THE DRAWING APPROVAL PROCESS. DRAWINGS ARE ONLY TO BE USED WHEN APPROVED BY PATTERSON BRITTON & PARTNERS AND THEN ONLY AS NOTED FOR DRG STATUS. THE ORIGINAL SIGNATURES CAN BE FOUND ON THE REVERSE SIDE OF THE ORIGINAL OF THE DRG REGISTER/TRANSMITTAL FORM No.5.2.2. HELD BY PATTERSON BRITTON & PARTNERS				level 2 104 Mount Street North Sydney 2060 telephone (02) 9957 1619 facsimile (02) 9957 1251 email reception @patbrit.com.au A.C.N. 003 220 228		Client FEITELSON GROUP OF COMPANIES		Title SITE PLAN		Drawing No. 4243-03	
A		RM	ARG	RM	M. TOCKER	consulting engineers		Project INDUSTRIAL DEVELOPMENT, KENNEDY DRIVE TWEED HEADS WEST, WATER QUALITY CONTROL POND		Issue A		Cad File No. 4243-03	
Issue		Des'd	Drm	Chk'd	Approved	Date 06.05.03				Xref.(s) XSITE, XPOND			

A1