

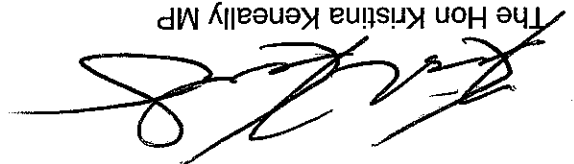
Project Approval

Section 75J of the Environmental Planning and Assessment Act 1979

I, the Minister for Planning, approved 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:

- Adequately mitigate the environmental impact of the development;
- Protect environmentally significant land and coastal waterways;
- Maintain the amenity of the local area; and
- Encourage good subdivision design



The Hon Kristina Kenally MP
Minister for Planning

Sydney, 4 Nov. 2008

SCHEDULE 1

PART A—TABLE

Application made by:	GEO Property Group
Application made to:	Minister for Planning
Project Application Number:	06_0243
On land comprising:	Fraser Drive, South Tweed Lot 9 on DP 1039569 and Part Lot 2 DP 100385
Local Government Area	Tweed Shire
For the carrying out of:	(i) Boundary adjustment and subdivision of the site into 2 master lots; (ii) Residential subdivision in 6 stages to create 151 freehold title lots that will provide for attached and detached dwellings, and the creation of a 1.57 hectare "superlot" for a future integrated housing development comprising of strata or community titled subdivision
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0243

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 PMM Sydney and dated May 2007, including all Appendices.

First Stage means whichever stage is constructed first from Stages 1A, 2A, 3A, 1B, 2B or 3B

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 Conics dated March 2008.

Proponent means MFS Diversified Group 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.

Traditional Owners means the Ngannuwal/Minjungbal clans

PART A—ADMINISTRATIVE CONDITIONS.....1

CONDITIONS TO BE SATISFIED FOR STAGE 16

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR STAGE 16

PART C—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR STAGE 16

EASEMENTS / RIGHTS OF WAY6

MONETARY CONTRIBUTIONS AND CONTRIBUTIONS-IN-LIEU6

CONDITIONS TO BE SATISFIED FOR STAGES 1A - 3B9

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR STAGES 1A - 3B 9

SUBDIVISION DESIGN MODIFICATIONS.....9

REMEDIATION / EARTHWORKS.....10

CONSTRUCTION MANAGEMENT13

TRAFFIC & PARKING.....13

SUBDIVISION WORKS.....14

ROAD DESIGN.....16

PUBLIC TRANSPORT.....17

FLOOD EVACUATION.....17

LANDSCAPING.....17

SEPP14 WETLAND MANAGEMENT.....18

CULTURAL HERITAGE.....20

BUSHFIRE MANAGEMENT.....20

MONITORING.....20

BICYCLE ACCESS.....21

PART C—PRIOR TO COMMENCEMENT OF WORKS FOR STAGES 1A-3B.....21

NOTIFICATION REQUIREMENTS.....21

PUBLIC RISK.....21

STRUCTURAL WORKS	22
POLLUTION CONTROL	22
ROAD CONSTRUCTION	22
SERVICES	23
CONTACT DETAILS	23
WASTE MATERIAL	24
HERITAGE	24
PART D—DURING CONSTRUCTION OF STAGES 1A-3B	24
CONSTRUCTION MANAGEMENT	24
SITE MAINTENANCE	26
GEOTECHNICAL	26
MONITORING	27
NOISE AND VIBRATION	27
STORMWATER AND DRAINAGE	28
MOSQUITO MANAGEMENT	29
HERITAGE	29
PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR STAGES 1A-3B	29
REMEDIATION / EARTHWORKS	30
EARTHWORKS	30
GEOTECHNICAL	30
TRAFFIC AND ACCESS	31
BUSHFIRE MANAGEMENT	31
SERVICES	34
STREET NAMES	35
OPEN SPACE / LANDSCAPING	35
CULTURAL HERITAGE	36

DEDICATION OF LAND	36
FISH PASSAGE	37
MONETARY CONTRIBUTIONS	37
ADVISORY NOTES	40

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0243

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

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

- 1) Boundary adjustment of Lot 2 in DP 1000385 and Lot 9 in DP 1039569
- 2) Subdivision of Lot 9 in DP 1039569 into two master lots (Part A and Part B of the subdivision);
- 3) Subdivision of Master Lot Part A into 77 residential lots in 3 stages;
- 4) Subdivision of Master Lot Part B into 73 residential lots in 3 stages;
- 5) Creation of a 1.57ha super lot for a future integrated housing development;
- 6) Creation of an open space lot that contains an artificial wetland for the purposes of stormwater management;
- 7) Creation of an open space lot for the retention of the SEPP14 Wetland and buffer area;
- 8) Dedication of a 10m wide buffer for the future upgrade of Fraser Drive;
- 9) Site rehabilitation works to stabilise current land slip hazards; and,
- 10) Construction of roads, revetment structures and drainage infrastructure.

A2 Staging

The project is to be constructed in seven (7) stages, generally as follows:

- (1) Stage 1 comprises:
 - (a) Boundary adjustment of Lot 2 in DP1000385 and Lot 9 in DP 1039569, Fraser Drive, South Tweed; and,
 - (b) Subdivision of Lot 9 in DP 1039569 into two master lots (Master Lot Part A and Master Lot Part B).
- (2) Stage 1A has an area of 3.17 hectares comprising:
 - (a) A 1.57ha integrated housing superlot;
 - (b) 5 low density residential allotments;
 - (c) 3 duplex allotments;
 - (d) 1.712ha of water quality open space;
 - (e) 291m of 18m wide road (Road No.1 & Road No.2);
 - (f) 44m of 15m wide road (Road No.1 & Road No.2); and
 - (g) Trunk drainage works between Fraser Drive and James Road.

(h) A four-way signalised control intersection at the northern development access to the Fraser Drive, including a 20m left turn lane and right turn lane on Fraser Drive.

(3) Stage 2A has an area of 2.58 hectares comprising:

(a) 31 low density residential allotments;

(b) 1 duplex allotment; and,

(c) 333m of 15m wide road (Road No.1).

(4) Stage 3A has an area of 3.16 hectares comprising:

(a) 24 low density residential allotments;

(b) 9 duplex allotments;

(c) 0.2267 hectares of park and recreation (functional) open space;

(d) 81.6m of 13m wide road;

(e) 349m of 15m wide road (Road No.2); and,

Master Lot Part B is to be subdivided in three (3 stages):

(5) Stage 1B has an area of 5.698 hectares comprising:

(a) 20 low density residential allotments;

(b) 334m of 13m wide road (Road No.3); and,

(c) Right of carriage way access to Lots 159-160.

(6) Stage 2B has an area of 10.495 hectares comprising:

(a) 26 low density residential allotments;

(b) 6.48 hectares of SEPP14 wetland open space conservation area;

(c) 0.3755 hectares of water quality open space;

(d) 392m of 14.5m wide road (Road No.3);

(e) Right of carriage way access to Lots 112-115; and,

(f) Right of carriage way access to Lots 153-156.

(7) Stage 3B has an area of 5.519 hectares comprising:

(a) 27 low density residential allotments;

(b) 0.3630 hectares of park and recreation (functional) open space;

(c) 616m of 13m wide road (extension of Merlot Court); and,

(d) 69m of 18m wide road (Road No.4).

It is noted that staging of allotment construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

A3 Project in Accordance with Plans

The project will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and the following drawings:

Architectural (or Design) Drawings prepared by Conics (Brisbane) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
20934-5	0	Proposed Layout Fraser Drive Tweed Heads	1 October 2008
Engineering Drawings prepared by Cardno (Qld) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
7214/29/01-DA01	-	Site Plan	18 August 2008
7214/29/01-DA02	-	Existing Features and Constraints Plan	18 August 2008
7214/29/01-DA03	-	Lot Layout and Staging Plan	18 August 2008
7214/29/01-DA04	-	Proposed Finished Surface Contours Plan	18 August 2008
7214/29/01-DA05	-	Site Sections - Sheet 1	18 August 2008
7214/29/01-DA06	-	Site Sections - Sheet 2	18 August 2008
7214/29/01-DA07	-	Site Sections - Sheet 3	18 August 2008
7214/29/01-DA08	-	Slope Analysis Layout Plan	18 August 2008
7214/29/01-DA09	-	Cut and Fill Depth Contours Layout Plan	18 August 2008
7214/29/01-DA10	-	Erosion and Sediment Control Plan	18 August 2008
7214/29/01-DA11	-	Road Layout Plan	18 August 2008
7214/29/01-DA12	-	Longitudinal Section Road No.1	18 August 2008
7214/29/01-DA13	-	Longitudinal Section Road No.2 and Laneway No.1	18 August 2008
7214/29/01-DA14	-	Longitudinal Section Road No.2 and Merlot Court	18 August 2008
7214/29/01-DA15	-	Longsection Section Road No.3	18 August 2008
7214/29/01-DA16	-	Longsection Section Road No.3	18 August 2008
7214/29/01-DA17	-	Longsection Section Road No.4 and Road No.5	18 August 2008
7214/29/01-DA18	-	Typical Road Cross Sections	18 August 2008
7214/29/01-DA19	-	Pre Development Stormwater Network	18 August 2008
7214/29/01-DA20	-	Post Development Stormwater Network	18 August 2008
7214/29/01-DA21	-	Proposed Stormwater Drainage Network	18 August 2008
7214/29/01-DA22	-	Proposed Sewer Reticulation Network	18 August 2008
7214/29/01-DA23	-	Proposed Water Reticulation Network	18 August 2008

(1) Environmental Assessment Report prepared by PMM Sydney on behalf of Greenview Pty Ltd and MFS Diversified, dated May 2007; and,

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

A4 Project in Accordance with Documents

12512 B	Rev A	Proposed Boundary Adjustment of Lot 2 in DP 1000385 and Lot 9 in DP 1039569 Fraser Drive, Tweed Heads South	7 May 2003
16104 B	-	Proposed Subdivision of Proposed Lot 11, Fraser Drive, Tweed Heads South	18 July 2007
15975 D	Rev A	Location Survey of Midden Site at the Intersection of Fraser Drive and Champagne Drive, Tweed Heads South	30 January 2008
Drawing No.	Revision	Name of Plan	Date
Survey Drawings prepared by B&P Surveys			
71887_SD_2.08	-	Proposed Plant Palette	August 2008
71887_SD_2.07	-	Fraser Drive Streetscape and Boundary Fence Details and Character Images	August 2008
71887_SD_2.06	-	Streetscape Types - Typical Sections	August 2008
71887_SD_2.05	-	Seaview Park Concept Plan, Section and Character Images	August 2008
71887_SD_2.04	-	Park B Concept Plan and Character Images	August 2008
71887_SD_2.03	-	Park A Concept Plan and Character Images	August 2008
71887_SD_2.02	-	Entry Statement Concept Plan and Elevations	August 2008
71887_SD_2.01	-	Landscape Concept Plan	August 2008
Drawing No.	Revision	Name of Plan	Date
Landscape Drawings prepared by Conics			
7214/29/01-DA31	-	Road No.3 Elbow Detail	18 August 2008
7214/29/01-DA30	-	Site Sections Along Western Boundary	18 August 2008
7214/29/01-DA29	-	Wet Basins Typical Sections and Details	18 August 2008
7214/29/01-DA28	-	Proposed Traffic Calming for Road 3	18 August 2008
7214/29/01-DA027	-	Proposed Pedestrian Linkage Footpath and Bus Stop Locations	18 August 2008
7214/29/01-DA026	-	Service Vehicle Turn Paths	18 August 2008
7214/29/01-DA25	-	Water Treatment and Detention Basin Details	18 August 2008
7214/29/01-DA24	-	Combined Services Plan	18 August 2008

A5 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.

A6 Certification & Staging

1) Staging of the Development

The staging of the development is to occur generally in accordance with the following sequence:

- a) Stage 1
- b) Stage 1A
- c) Stage 1B
- d) Stage 2A
- e) Stage 2B
- f) Stage 3A
- g) Stage 3B

It is noted that staging may vary in timing according to market forces. Site works and the delivery of infrastructure may be independent of the staged release of lots

2) Construction Certificate

Prior to the commencement of subdivision works for Stages 1A to 3B inclusive, the proponent must obtain a Construction Certificate from either the Council or an accredited certifier for each stage of the subdivision before any subdivision work can commence for each stage.

3) Subdivision Certificate

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a Subdivision Certificate pursuant to Section 109C(1)(d) of the EP&A Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

A7 Building Code of Australia

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

CONDITIONS TO BE SATISFIED FOR STAGE 1

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR STAGE 1

NIL

PART C—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR STAGE 1

Easements / Rights of Way

S1C1 Section 88B/E Instruments

- 1) The proponent is to submit with the final plan of subdivision, copies of any instruments under section 88B or E of the *Conveyancing Act 1919* relevant to any restrictive covenants, easements or right of carriage created by or affected by the subdivision. Easements are to be provided for sewer, water supply and drainage over ALL public services / infrastructure on private property. Council is to be nominated on the plan of subdivision as the sole party to modify or extinguish the restriction unless otherwise specified in conditions.

- 2) An existing Restriction as to User burdens Lot 9 DP 1039569, relating to a required development height of RL 2.65m AHD. Amendments to Council's Development Control Plan have revised this minimum development height (design flood level) to RL 2.60m AHD. The proponent shall make an application to Council to vary any restriction as to user burdening the site. Any approval to vary the existing Restriction as to User with respect to the minimum development height (design flood level) burdening Lot 9 DP 1039569 must be registered on the land title prior to the issue of a subdivision certificate for Stage 1.

- 3) Pursuant to Section 88B of the *Conveyancing Act 1919* the instrument creating the right of carriage/easement to drain water shall make provision for maintenance of the right of carriage/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) Any Section 88B instrument creating restrictions as to user, rights of carriage 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.

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

Note: 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*, *Conveyancing Act 1919*, or other applicable legislation.

Monetary Contributions and Contributions-in-lieu

S1C3 Section 94 Monetary Contributions

- 1) Prior to the endorsement of a Subdivision Certificate for Stage 1 of the subdivision, the following contributions must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*:

Amount of Contributions

Banora Point West / Tweed Heads South Open Space Contributions Plan (2006) - Casual			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$1,571	\$1,571
Banora Point West / Tweed Heads South Open Space Contributions Plan (2006) - Structured			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$2,433	\$2,433
South Tweed Heads Master Drainage Contributions Plan (2006)			
Stage 1	No. of Hectares	\$ per Hectare	Sub-Total
	-	-	-
Tweed Road Contribution Plan (2007)			
Stage 1	No. of Trips	\$ per trip	Sub-Total
	6.5	\$851	5532
Street Planting in Residential Areas Contribution Plan (2005)			
Stage 1	No. of Lots	\$ per allotment	Sub-Total
	1	\$297	297
Tweed Shire Library Facilities Contribution Plan (2002)			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$688	688
Bus Shelters Contribution Plan (2005)			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$26	26
Environ Cemetery Contribution Plan (2005)			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$131	131
Emergency Facilities (Surf Life Saving) Contribution Plan (2006)			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$200	200
Council Admin offices and Technical Support Facilities Contribution Plan (2007)			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$1996.80	1996.8
Cycleways Contribution Plan (2005)			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$352	\$352
Shirewide / Regional Open Space Contribution Plan (2006) - Casual			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$855	\$855
Shirewide / Regional Open Space Contribution Plan (2006) - Structured			
Stage 1	No. of ET	\$ per ET	Sub-Total
	1	\$2,327	\$2,327
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1			\$16,408.80

2) 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.

3) 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.

S1C4 Section 64 Monetary Contributions

1) A certificate of compliance (CC) 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 project have been made with the Council.

2) Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979 a Subdivision Certificate shall not be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

3) Contributions plans relevant include:

- a) Development Services Plan No.4 - Tweed Heads Tweed Heads South Fingal Head East Banora Point
- b) Sewer Contributions - Banora Point

STAGES	Water Development Servicing Plan No.4	Sewer Banora
	Calculation	Total
Stage 1	1 ET @ \$9997	1 ET @ \$4804
	Total	Total
	\$9,997	\$4,804

4) 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.

5) A current copy of the contribution fee sheet must be provided at the time of payment.

CONDITIONS TO BE SATISFIED FOR STAGES 1A - 3B

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR STAGES 1A - 3B

Subdivision Design Modifications

B1 Local Shop

The subdivision layout shall be amended to provide for development of a convenience store in Stage 1A, 2A or 3A of the subdivision. The size and location of the shop shall be adequately justified by the proponent, having regard to Sections A5 and B3 of the Tweed Shire Development Control Plan. The amended plans are to be submitted to the Department for approval prior to the release of a Construction Certificate for any stage of the subdivision.

B2 Noise Attenuation

A revised acoustic assessment must be submitted to the Department for approval prior to the issue of a Construction Certificate for any stage of the subdivision to demonstrate that the following noise criteria can be achieved at the eastern boundary of all residential allotments without the use of residential dwelling construction standards (architectural treatment) to ameliorate road traffic noise:

- Day (7am – 10pm): $L_{Aeq}(15hr) \leq 55$
- Night (10pm – 7am): $L_{Aeq}(9hr) \leq 50$

B3 Subdivision

1) Notwithstanding any other condition of this approval separate Construction Certificates may be issued for bulk earthworks and for civil works. The carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for all subdivision works subject to compliance with the following conditions: ~ A3 - A6, B2 - B14, B18(1), B20, B22, B23, B36, B37, C1 - C8, C10 - C14, D1 - D20, D22 and D23.

2) Notwithstanding any other condition of this approval a Construction Certificate for bulk earthworks may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for all subdivision works subject to compliance with the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal 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:

- earthworks
- roadworks/furnishings
- stormwater drainage
- water supply works
- sewerage works
- landscaping works
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

4) Note: The *Environmental Planning and Assessment Act 1979* makes no provision for

works under the *Water Management Act 2000* and Section 138 of the *Roads Act 1993* to be certified by an Accredited Certifier.

B4 Construction Compliance Bond and Long Service Levy

- 1) Prior to the issue of a Construction Certificate for each stage of the subdivision, 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 \$1,000). The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate. 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.

Remediation / Earthworks

B5 Landslip Remediation Plan

- 1) A detailed Landslip Remediation Plan shall be submitted to the Certifying Authority and a copy to Council for approval for the remediation of all landslips affecting Stages 1B, 2B and 3B prior to the issue of a Construction Certificate for any of these stages.
- 2) The Landslip Remediation Plan shall provide detail of when the remediation work will occur and shall be consistent with the recommendations in the Morrison Geotechnic Pty Ltd letter to MFS Diversified Group, dated 31 October 2007, as submitted with the proponent's Preferred Project Report.

B6 Cut and Fill Levels

- 1) Cut and fill levels for each stage within the project are to be in accordance with Cardo Drawing No. 7214/29/01-DA09 *Cut and Fill Depth and Contours Plan* dated 8 December 2006. Design plans are to be approved by Council prior to issue of the Construction Certificate for each stage of the project.
- 2) The source of any fill material is to be identified and reported by a practicing geotechnical engineer certifying that the material is suitable for the intended purpose prior to the issue of the Construction Certificate for each stage of the subdivision. The report is to include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

B7 Site Regrading

- 1) Site regrading undertaken for all stages of the project must be undertaken in accordance with *Tweed Shire Council's Development Design Specification D6 - Site Regrading*. Evidence of compliance with this specification must be provided to Council for approval prior to issue of the Construction Certificate for each stage of the project.
- 2) All residential allotments shall be filled to a minimum of the design flood level, adopted as 2.65m AHD for the site, in accordance with the restriction as to user burdening Lot 9 DP 1039569.

B8 Geotechnical Assessment

A Geotechnical assessment prepared by a qualified geotechnical engineer is to be provided for the flat, low land which contains compressible clay material. The geotechnical assessment is to address the expected settlement of compressible clays on the site based on test results and adequate recommendations in relation to the project, prior to issue of a Construction Certificate for the first stage of the project.

B9 Retaining Walls

- 1) All retaining walls and batters shall be designed in accordance with Tweed Shire Council's Development Design Specification D6 - Site Regrading. Permissible retaining wall and batter heights are specified in Table D6.1, except that side and rear boundary structures in residential subdivisions are subject to Note 1. of D6.05.4(1), rather than D6.04.4(1).

- 2) Design detail including surcharge loads for any retaining walls to be erected on the site must be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate for each stage of a Tweed Shire Council Development Control Plan Part A14 - Cut and Fill on Residential Land and Councils Development Design and Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer.

- 3) Details from a Structural Engineer are to be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for each stage of the subdivision for all retaining walls, footings, structures or the like. The design should take into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design.

Note: Council will not permit ground anchors (to retain excavated material) within Council or private property, without prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager or his delegate, and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

B10 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for the entire 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 below ground works for the first stage of the project.

B11 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 Stages 1B, 2B and 3B of the project. A copy of the report is to be forwarded to Council.

B12 Dewatering

- 1) Prior to issue of a Construction Certificate or using any existing works for the purpose of Temporary Dewatering for Construction Purposes, an approval under Part 5 of the *Water Act 1912* must be obtained from the Department of Water and Energy. The application for the approval must contain sufficient information to show that the

project is capable of meeting the objectives and outcomes specified in these conditions.

2) A Dewatering Management Plan for all dewatering activities to be carried out on the site shall be submitted to and approved by Council prior to release of the Construction Certificate for below ground works for Stages 1A, 2A and 3A. The plan is to give consideration to the acid sulfate soil issues on site and the impact that this may have on groundwater and dewatering activities proposed.

3) All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

4) All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.

5) The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

6) The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.

7) A license fee calculated in accordance with the *Water Act 1912* must be paid before a license can be granted.

8) If and when required by the Department of Water and Energy, suitable devices must be installed to accurately measure the quantity of water extracted or diverted by the works.

9) All water measuring equipment must be adequately maintained. It must be tested as and when required by the Department of Water and Energy to ensure its accuracy.

10) Works for construction of bores must be completed within such period as specified by the Department of Water and Energy.

11) Within 2 months after the works are completed, the Department of Water and Energy must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are notified in the approval.

12) Officers of the Department of Water and Energy or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.

13) Water shall not be pumped from the works for any purpose other than dewatering for construction purposes.

14) The use of water shall be conditional on no tailwater drainage being discharged into or onto:

- a) any adjoining public or crown road;
- b) any crown land;
- c) any river, creek or watercourse;
- d) any groundwater aquifer;
- e) any area of native vegetation; or
- f) any wetlands.

15) The Department of Water and Energy has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.

Construction Management

B13 Construction Management Plan

- 1) Prior to the issue of a Construction Certificate for each stage of the project, 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.

- 2) The site earthworks are to be staged and limited to the proposed staged areas 1A – 3B or a 5ha maximum area at any time to reduce exposed areas. Works are to be topsoiled and seeded immediately after completion to protect the exposed areas from water and wind erosion. The earthwork staging details are to be shown on the Construction Certificate.

B14 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate for each stage of the project, 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:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

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

Traffic & Parking

B15 Traffic Calming Devices

In order to ensure that vehicles exit/enter the site in a safe manner, the following works must be installed:

- 1) A left in / left out type treatment with traffic islands at the intersection of Hillcrest Avenue and proposed Road No. 3 to prevent a right turn.

- 2) A stop sign and traffic calming devices on Ocean Avenue at the intersection of Ocean Avenue and Seaview Avenue.

Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 2B of the project.

B16 Signallised Intersection

In order to ensure that vehicles exit/enter the site in a safe manner, a signalised intersection must be installed and shall be clearly visible at the intersection of Fraser Drive and Road No.1. Details of the type, location and operation of the device must be in accordance with Australian Standards, Ausroads & Council's Development Design Specifications. Details are to be submitted to the satisfaction of Council prior to the issue of the Construction Certificate for above ground works for Stage 1A of the project.

B17 Fraser Drive Access

1) In order to ensure that vehicles exit/enter the site in a safe manner, a left turn lane must be installed on the northern bound lane and a right hand turn lane on the southern bound lane of Fraser Drive on the approach to the signalised intersection. Details of the road design are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1A of the project.

2) The northern intersection of proposed Road No. 1 and Fraser Drive is to cater for a '4th leg' opposite the proposed access to enable efficient access to the private property (Pioneer County) on the east side of Fraser Drive. A detailed intersection design is required. The design is to demonstrate that no conflict exists with the major drainage system proposed at the intersection. Details of the road design are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1A of the project.

3) The southern intersection of proposed Road No. 1 and Fraser Drive is to be restricted to left in / left out only and is to be designed in a way that this restriction is controlled by physical means such as concrete islands. Details of the road design are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1A of the project.

Subdivision Works

B18 Stormwater and Drainage Works Design

1) A Construction Certificate application for works that involve the following:

- a. Connection of a private stormwater drain to a public stormwater drain
- b. Installation of stormwater quality control devices
- c. Erosion and sediment control works

will not be approved until separate approval to do so has been granted by Council under Section 68 of the *Local Government Act 1993*.

2) The stormwater drainage systems, including road drainage, interallotment drainage and overland flow paths within the proposed subdivision, shall be designed by a qualified practicing Civil Engineer in accordance with the requirements of *Tweed Shire Council's Development Design Specifications D5 - Stormwater Drainage Design and D7 - Stormwater Quality*. Detailed engineering plans shall be submitted to and approved by Council prior to issue of a Construction Certificate for below ground works for the first stage of the subdivision.

3) The release of existing easements to drain water burdening Lot 9 DP 1039569 shall only be authorised by Council following completion of the construction of the alternate open drainage channel within the Road 1 road reserve in accordance with approved design drawings, and the registration of a new drainage easement benefiting Council over the new drainage infrastructure.

4) Tailwater levels for the design of all subdivision drainage systems must reflect water levels within the downstream SEPP14 wetland.

- 1) The Construction Certificate Application for the first stage of the subdivision shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the project prepared in accordance with Section D7.07 of Council's *Development Design Specification D7 - Stormwater Quality*.
- 2) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Council's *Development Design Specification D7 - Stormwater Quality*.
- 3) 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.
- 4) A shake down area should be provided along the haul route immediately before the intersection with the road reserve.

B20 Stormwater Management

- 1) The water quality control pond in Stage 1A of the subdivision must be designed by a qualified practicing Civil Engineer in accordance with the requirements of *Tweed Shire Council Development Design Specification D7 - Stormwater Quality*. Detailed engineering plans of the pond shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for the first stage of the project.
- 2) Engineering details of pond inlet and outlet structures together with flow and storage calculations must be provided to demonstrate that the pond will satisfactorily operate as a stormwater detention system to maintain the existing hydraulic regime in the receiving SEPP14 wetland, without remobilising captured sediments.
- 3) The pond must be constructed with clay lining to prevent any contamination of groundwater or the SEPP14 wetland to the north.

B19 Water Quality Control Pond

- 5) Overland flow paths must cater for all storms up to and including the 100 year ARI event and must be wholly contained within drainage easements benefiting Council. Design of overland flow paths shall provide a 500mm freeboard between the design peak water level and the edge of the easement. A factor of safety of 1.5 shall be applied to rainfall intensities, to account for blockages, obstructions to flow, deterioration of cross sectional capacity over time, and the potential impacts of climate change. The capacity of these flow paths must be verified by engineering calculations by a qualified professional, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- 6) Where subdivision drainage discharges to existing public drainage infrastructure, engineering calculations by a qualified professional must demonstrate adequate excess capacity to accept the increased flows for both minor and major storm events, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- 7) All stormwater trenches are to include a geofabric wrapped seepage drain the pipe in the trench. Seepage outlets are to be provided into the manholes at the foot of the steep slopes.

Road Design

B21 Roads

- 1) 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.

- 2) All roads shall be designed in accordance with the relevant requirements of Council. 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 for below ground works for each stage of the project.

- 3) Construction of proposed Road No. 3 is to be a minimum 7.5m wide pavement within a 14.5m wide road reserve with upright kerb and guttering. Traffic calming devices are to be incorporated into the design. Final 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 for below ground works for Stage 1B, 2B and 3B of the project.

B22 Regulatory Signage

All traffic regulatory signage and line marking is to be shown on the Construction Certificate application for each stage of the subdivision.

B23 Driveways

The Construction Certificate for each stage of the subdivision is to demonstrate that all lots in the steeper section of the subdivision can be serviced by a driveway in accordance with Council's design and construction specifications.

B24 Footpath / Stairways

- 1) A 1.2m wide footpath / stairway shall be constructed between proposed lots 97 / 98 and 80 / 81 within the proposed 5m drainage reserve. The footpath and drainage reserve is to demonstrate that the Q100 flow is completely contained within the drainage easement. The design of the footpath / stairway shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for Stage 2A and Stage 1B.

- 2) A 1.2m wide footpath / stairway shall be constructed between proposed Lot 125 and the drainage reserve / open space area adjacent to Fraser Drive, providing a public pedestrian connection between Merlot Court and Fraser Drive. The design of the footpath / stairway shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for Stage 2B and Stage 3B.

B25 Section 138 Application

Application shall be made to Council under Section 138 of the Roads Act 1993 for works pursuant to this approval located within the road reserve for each stage of the project. The engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- 1) Road works/furnishings;
- 2) Stormwater drainage;
- 3) Water and sewerage works;
- 4) Sediment and erosion control plans;
- 5) Location of all services/conduits; and,
- 6) Traffic control plan.

- maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance methods, if applicable.
- specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking
- species listed by botanical and common names, with the majority of plants constituting local native species;
- f) 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 the site. The plan is to include a detailed plant schedule which shall include:
 - e) Construction details of paving, edging, fencing, screening, panels and other hard landscape components.
 - d) 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).
 - c) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including seating, fences, gates, decorative features, retaining or noise walls etc.
 - b) Proposed and existing site services, including but not limited to water, gas, electricity, sewer, and stormwater and any easements on or adjacent to the site.
 - a) A site plan showing the existing features, including north point, access roads and any trees to remain in the vicinity located to scale and identified by botanical and common names.

Detailed landscape plans must be submitted for all areas to be dedicated as casual open space, entry statements area and streetscapes. All landscape plans will require approval from the Manager, Recreation Services, Tweed Shire Council. Landscape plans must be consistent with Tweed Shire Councils DCP – Section A5 Subdivision Manual (Table A5-8.2.1) and Development Design Specification D14. TSC standard drawings S.D.701, 702, 703, 704, 705 and 706 will apply. The plan is to show:

B28 Detailed Landscape Plans

Landscape

All allotments Stages 1A, 2A and 3A of the subdivision must have adequate access to a high level flood evacuation route in the Probable Maximum Flood event, in accordance with the requirements of Council's *Development Control Plan Section A3*. Details of the flood evacuation route must be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for the first stage of the project.

B27 Evacuation Access

Flood Evacuation

In order to ensure that pedestrians have adequate access to public transport, two bus stops are to be constructed on Fraser Drive at the locations indicated on Drawing No 7214/29/01-DA027 dated 18 August 2008. The type, location and operation of the structures are to be submitted to the satisfaction of Council prior to the issue of the Construction Certificate for above ground works for Stage 1A (northern bustop) and 2B (southern bustop) of the project.

B26 Bus Stops

Public Transport

schedule for a minimum period of one year after completion of landscaping on site.

B29 Open Space Concept Plan

- 1) Prior to issue of a Construction Certificate for the first stage of the project, the proponent shall submit for approval an Open Space Concept Plan covering all allotments to be dedicated as public reserve, drainage reserve, wetlands and buffer areas. The concept plan must identify all areas in these reserves intended for use as casual open space and be consistent with the open space requirements of *Tweed Shire Council's DCP - Section A5 Subdivision Manual*, and *Development Design Specification D14*. An overview of the embellishment proposed for each area of casual open space must be included.

- 2) The open space concept plan should also indicate cycleways and pedestrian or other linkages. Cycleways must be integrated with Councils adopted cycleway network plan, and Development Design Specification D9 (Cycleyway and Pathway design).

B30 Park Adjacent to Seaview Street

The park adjacent to the existing Seaview St (described as Seaview Street Park) is to include a land connection (of a minimum 20 metre width) to the Champagne Drive road reserve. The landscape plan for this park must reflect the drawing titled 'Park Concept Section - for discussion purposes only', prepared by Conics, dated July 2008, Project No 71887_SD_2.05.

SEPP14 Wetland Management

B31 Vegetation Management Plan

- 1) A Vegetation Management Plan (VMP) shall be prepared for the rehabilitation of the SEPP 14 wetland and management of the 40 metre wide ecological buffer and associated open space, prior to the issue of the Construction Certificate for the first stage of the project to the satisfaction of the Department.
- 2) The VMP must be prepared by a person qualified in Ecological Restoration and with knowledge and experience in local wetland management and rehabilitation to the satisfaction of the Department. The VMP is to be in accordance with the guideline: "How to Prepare a Vegetation Management Plan - Version 4" (Department of Natural Resources, undated). The VMP is to fully address all matters relating to wetland protection, vegetation to be retained, vegetation to be removed, obtaining plant material for rehabilitation, establishment methods, sequencing of tasks and maintenance relating to the rehabilitation of the wetland.
- 3) The VMP shall address the rehabilitation and ongoing management of the wetland, establishment of the ecological buffer, maintenance and monitoring. In particular, the plan shall include:
 - a) an appraisal of the present condition of remnant vegetation;
 - b) a plan overlaying an aerial photograph of the site which divides the area into zones for regeneration and zones for planting, including connections between existing vegetation where appropriate;
 - c) a management strategy for each of the zones, including the approach, methods and techniques to be used for vegetation restoration;
 - d) a schedule of local native plant species to be used for planting where appropriate in gaps and within the ecological buffer. The section contiguous to the protected forest should consist of native vegetation grading down in height, to a dense impenetrable low-growing hedge at the outer edge of the

buffer. This native hedge will act as a barrier to weed invasion, provide protection for animals, and to a limited extent reduce noise and vision;

e) a program of works to be undertaken to remove invasive weed species;

f) a schedule of timing of proposed works;

g) a maintenance, monitoring and reporting schedule with developer commitment for a period not less than 5 years;

h) an adaptive management statement detailing how potential problems arising may be overcome and requiring approval from the Department for such changes;

i) details of regrading of the ecological buffer to provide a gradual battering of the slope up to the fill level by giving a graduation from wet to dry;

j) management of access into the area;

k) measures to protect the open space during both construction and occupation of the site;

l) details of the propagation of the Rough Shelled Bush Nut, including propagation methods, number of specimens, monitoring and maintenance regime;

m) fencing of the ecological buffer adjacent to the integrated housing development area. The type of fencing shall be determined in consultation with Council; and,

n) bushfire hazard management actions.

4) The VMP is to include drawings that clearly show the approved extent of the Endangered Ecological Communities, the 40 metre ecological buffer, and the 20 metre Asset Protection Zone, and should clearly state planting densities and the species mix for all areas to be rehabilitated.

5) The ecological buffer area to be restored is to consist of a diverse range of native plant species local to the area. The plants used are to consist of species and communities that emulate the original natural situation. Specific attention should be made to providing those species that are considered to be suitable habitat for the Osprey, Collared Kingfisher, Grey Headed Flying Fox, Eastern Long-Eared Bat, Little Bent Wing Bat and Southern Myotis that were previously identified on the site.

6) The VMP will also address revegetation and ongoing management of the public land which lies outside the 'approximate line of vegetation' (reference Conics Proposed Subdivision Plan reference 20934-5m - 11 August 2008) and extends to private land south and west of the wetland. Regarding this area, the plan will:

a) Provide for regeneration or revegetation as appropriate for the area described above;

b) Be consistent with the bushfire management plan also required to be prepared for this area.

c) Provide for ease of maintenance by council staff, and particularly address any requirement for reshaping the slope to allow for possible fire lines and other maintenance requirements.

B32 Tidal Floodgates

In order to improve fish passage and prevent outbreaks of mosquito and midges, detailed design plans for two new tidal floodgates on the culvert under James Drive shall be submitted to Council for approval prior to the issue of a Construction Certificate for the first stage of the project.

Cultural Heritage

B33 Cultural Heritage Management Plan

- 1) A Cultural Heritage Management Plan (CHMP) shall be prepared in consultation with the Traditional Owners to the satisfaction of the Department, in consultation with Council, prior to the issue of a Construction Certificate for Stage 3B.
- 2) The CHMP must outline the value of the midden in detail, describe its significance and associated history, set out the actions required for proper management of the area and for periodical maintenance.
- 3) The proponent must finance the preparation of the CHMP and its physical implementation.

Bushfire Management

B34 Asset Protection Zones

- 1) Asset Protection Zones (APZs) in Stage 1A, 2A, 1B, 2B and 3B are to be provided in accordance with the Boskæe Report entitled *Bushfire Assessment for a Proposed Residential Subdivision Fraser Drive, South Tweed*, dated December 2007. Details of the APZs are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for Stages 1A, 2A, 1B, 2B or 3B.
- 2) Asset Protection Zones in Stages 1B, 2B and 2A are to be provided on private land, in accordance with *Planning for Bushfire Protection* (2006). Details of the APZs are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for Stages 2B and 3B.

B35 Bushfire Management Plan

A Bushfire Management Plan shall be prepared to address the potential fire management issues at the interface between the stage 2B wetland buffer area and private land located to the west and south. The plan is to make recommendations for management actions required to allow Council to maintain this interface. The plan will be prepared in association with, and be consistent with, the regeneration requirements of the Vegetation Management Plan to be prepared for this area.

Monitoring

B36 Stormwater Monitoring Plan

In order to demonstrate that the stormwater management system satisfactorily complies with the intended design and the *Tweed Shire Council Development Control Plan Stormwater Design Specification*, a Stormwater Monitoring Plan shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of the Construction Certificate for the first stage of the project.

B37 Groundwater Monitoring Plan

In order to confirm that contaminated groundwater does not leave the water quality control pond in Stage 1A of the project, a Groundwater Monitoring Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for the first stage of the project.

Bicycle Access

B38 Dual Use Pathways

In order to ensure that the subdivision provides adequate provision for pedestrians and bicycles through and within the site, dual use pathways must be provided on all roads within the subdivision, with the exception of Road No.2A and Road No.5. Details of dual pathways must be submitted to the Certifying Authority for approval prior to the release of a subdivision certificate for the first stage of the subdivision.

PART C—PRIOR TO COMMENCEMENT OF WORKS FOR STAGES 1A-3B

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*.

C2 Notifying Adjoining Neighbours

- 1) Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations for any stage of the project.
- 2) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council so as to prevent the emission of offensive noise as a result of their operation.

Public Risk

C3 Public Risk Liability

- 1) 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.
- 2) Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of 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.

C4 Site Safety

Prior to the commencement of works for each stage of the subdivision, the applicant 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:-

- a) Occupation Health and Safety and Rehabilitation Management Systems

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

Structural Works

C5 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).

C6 Filling of the Site

Once the Construction Certificate has been issued for each stage of the subdivision, any change in the source of fill must be notified to the Certifying Authority and approval obtained to the new source prior to the import of any of the material. A report from a practising geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report must include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

C7 Retaining Walls

Prior to commencement of works for any stage of the project a certificate of adequacy of design, signed by a practising Structural Engineer on 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.

Pollution Control

C8 Erosion and Sediment Control

Prior to commencement of work on the site for each stage of the project, 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.

Road Construction

C9 Road Construction

- 1) Before the commencement of the relevant stages of road construction for each stage of the project, pavement detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
- a. That the pavement has been designed in accordance with Tweed Shire Council's Development Design Specification, D2.

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.

C12 Contact Telephone Number

Contact Details

- 3) Pay relevant fees in accordance with Councils adopted fees and charges.
- 2) Apply for Councils nomination of a point of extraction specific to the development where a current standpipe approval has been issued
- 1) Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.

Where water is to be drawn from Councils reticulated system, the proponent shall: -

C11 Drawing Reticulated Water

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 proposed development and existing infrastructure prior to start of any works.

C10 Existing Services

Services

- 3) Temporary turning areas and associated signage must be provided for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
- 2) During the relevant stages of road construction, reports shall be submitted to the Principal Certifying Authority by a Registered NATA Geotechnical firm demonstrating:
 - a. That the pavement layers have been compacted in accordance with Council's 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.
 - 3) Temporary turning areas and associated signage must be provided for refuse vehicles at the end of roads which will be extended in subsequent stages. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.
- 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.
- c. That site fill areas have been compacted to the specified standard.
- b. That the pavement materials to be used comply with the specifications tabled in Council's Construction Specifications, C242-C245, C247, C248 and C255.

Waste Material

C13 Movement of Trucks Transporting Waste Material

The proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site for each stage of the project.

Heritage

C14 Midden Site

- 1) A semi-permanent fence shall be built 10 metres from the known boundary of the midden site prior to commencement of any work on the site, in order to protect the midden site from any inadvertent harm by workers developing the site. The fence shall be built under the supervision of a qualified archaeologist and a representative of the Traditional Owners. The fence is to be kept in place for the duration of the construction period.

- 2) Employees and contractors conducting earthworks on Lot 135 of the proposed subdivision must be instructed that they are working close to a midden in a culturally sensitive area. It is possible that their works may uncover cultural material. Employees and contractors must be instructed how to identify this cultural material and that, in the event that they do find any, they are to stop work immediately and following Condition D28 of this approval.

- 3) Employees and contractors engaged in earthworks or subsurface disturbance on the site shall be advised that, under the terms of the *National Parks and Wildlife Act 1974*, it is an offence for any person to knowingly destroy, deface or damage or permit the destruction, defacement or damage to a relic or Aboriginal place without first obtaining the written consent of the Director-General of the Department of Environment and Climate Change.

PART D—DURING CONSTRUCTION OF STAGES 1A-3B

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;

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/Occupation Certificate.

D7 Surrounding Road Carriageways

No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of Council.

D6 Removal of Material

- (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 project 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.
- (9) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

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

D5 Dust Control Measures

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction of any stage of the project.

D4 Protection of Trees – On-site 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.

D3 Protection of Trees – Street Trees

- 4) To state that unauthorised entry to the site is not permitted.
- 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

D8 Burning of Vegetation

The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping, unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material is to be disposed of at Council's Stotts Creek Depot.

Site Maintenance

D9 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 for each stage of the project, 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.

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.

Geotechnical

D11 Geotechnical Engineer

- 1) A suitably qualified Geotechnical Engineer is required onsite during:
 - a) Construction of the interallotment drainage system for Stages 1B, 2B and 3B; and,
 - b) Remediation of the landslips in Part B of the site to:
 - i.) Confirm the competency of the base;
 - ii.) Identify the points of seepage entry; and,
 - iii.) Provide instructions on the construction of the seepage control.

D12 Filling of the Site

- 1) All residential allotments shall be filled to a minimum of the design flood level of 2.65mAHD, adopted in accordance with development consent DA 02/0837 issued by Council in October 2002.
- 2) 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.
- 3) During filling operations,
 - a) No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned.
 - b) Fill adjacent to these boundaries is to be placed mechanically.
 - c) All fill and cut batters shall be contained wholly within the subject land.
 - d) All topsoil to be respread and the site to be grassed and landscaped including battered areas.

Monitoring

D13 Monitoring of Stormwater Management System

- 1) The stormwater drainage system shall be monitored in accordance with the approved Stormwater Monitoring Plan throughout construction of each stage of the project to demonstrate that it satisfactorily complies with the intended design and the *Tweed Shire Council's Development Control Plan Stormwater Design Specification*. Amendments to the system may be required to ensure compliance.
- 2) Monitoring shall continue post-construction in accordance with the maintenance program timeframes specified in the Stormwater Management Plan prepared by Cardno dated 8 December 2006, submitted with the Environmental Assessment.

D14 Monitoring of Groundwater

- 1) Groundwater shall be monitored by the proponent in accordance with the approved Groundwater Monitoring Plan throughout construction of each stage of the project to ensure that there is no seepage of untreated stormwater runoff from the water quality control pond in Stage 1A of the project.
- 2) Monitoring shall continue post-construction of the final stage of the project for a period of 1 year.

Noise and Vibration

D15 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;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) 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.

D16 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 L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} 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.

D17 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.

D18 Vibration Criteria

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

D19 Use of Crushing Plant Machinery

The use of crushing plant machinery, mechanical screening or mechanical blending of materials must be subject to a separate development application with Council.

Stormwater and Drainage

D20 Stormwater

- 1) Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.
- 2) All stormwater gully inlets shall have the following notice cast into the top of the inlet: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification.
- 3) 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.
- 4) 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.
- 5) This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

Mosquito Management

D21 Mosquito Management

- 1) A Mosquito Management Plan shall be submitted to Council for approval prior to the issue of a Subdivision Certificate for the first stage of the subdivision.
- 2) A consultant mosquito entomologist is to be retained as a member of the development team during construction through to the completion of the project to advise in respect to action necessary to minimise the potential for mosquito breeding or harbourage within the subdivision.

Heritage

D22 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

D23 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

- 1) 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 Regional Archaeologist of the Cultural Heritage Unit of the Department of Environment and Climate Change, Coffs Harbour, the Tweed Byron Local Aboriginal Land Council (LALC) and the Ngunduwal/Minjungbal descendants must not resume at the location without the prior written consent of the Department of Environment and Climate Change, the Tweed Byron LALC and the Ngunduwal/Minjungbal descendants.
- 2) Due to the sensitivity of the ridge line containing the closed Champagne Drive road reserve, any initial subsurface disturbance shall be monitored by representatives of the Traditional Owners to ensure that cultural material is identified and protected. This monitoring will be independent of the Cultural Heritage Management Plan adopted to protect the midden site.

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE FOR STAGES 1A-3B

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.

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:-

- Note:
- a) Compliance Certificate - Roads
 - b) Compliance Certificate - Water Retention
 - c) Compliance Certificate - Sewerage Retention
 - d) Compliance Certificate - Drainage

1. 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 development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

2. 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".

Remediation / Earthworks

E3 Landslip Remediation

Remediation of the landslips across the western portion of the site must be completed in accordance with the approved detailed Landslip Remediation Plan prior to the issue of a subdivision certificate for Stages 1B, 2B or 3B.

Earthworks

E4 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 for each affected staged of the subdivision 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

E5 Geotechnical Certification

Prior to issue of a Subdivision Certificate for any stage of the project, the consultant geotechnical engineer is to certify the following on site:

- The remediation of all slips along the western part of the site; and,
- All lots in the subdivision are to be certified as being sound for building construction purposes, classifying the soil type, and addressing the adequate bearing capacities of the soils in accordance with AS 2870, Residential Slabs and Footings Construction and the submission of soil compaction and bearing capacity test results for the filled areas.

This certification shall be provided to Council prior to the release of the Subdivision Certificate for the first stage of the project.

E6 Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the project 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 Principle Certifying Authority, prior to issue of the Subdivision Certificate for each stage of the project.

Traffic and Access

E7 Signalisation of Fraser Drive Intersection

In order to ensure that vehicles exit/enter the site in a safe manner, a four-way signalised intersection must be installed and shall be clearly visible at the intersection of Fraser Drive and Road No.1 prior to the issue of a Subdivision Certificate for Stage 1A of the project.

E8 Traffic Calming Devices

In order to ensure that vehicles exit/enter the site in a safe manner, the following works must be installed prior to the release of a subdivision certificate for Stages 1B and 2B:

- 1) A left in / left out type treatment with traffic islands at the intersection of Hillcrest Avenue and proposed Road No. 3 to prevent a right turn.

- 2) A stop sign and traffic calming devices on Ocean Avenue at the intersection of Ocean Avenue and Seaview Avenue.

E9 Pedestrian Access

A pedestrian crossing facility must be provided at the intersection of Road No.1 and Fraser Drive to provide a safe and managed pedestrian movement across Fraser Drive prior to the issue of a Subdivision Certificate for the first stage of the project.

E10 Bus Stops

In order to ensure that pedestrians have adequate access to public transport two bus stops are to be constructed on Fraser Drive at the locations indicated on Drawing No. 20934-5 Rev. 0 dated 1 October 2008 prior to the issue of the Subdivision Certificate for Stage 1A (northern bustop) and 2B (southern bustop) of the project.

E11 Civil works

- 1) All civil works approved with the Construction Certificate are to be completed to the satisfaction of Council prior to issue of a Subdivision Certificate for each stage of the project. All works are to be completed in accordance with Council's *Subdivision Code* (as current at the time of commencement).

- 2) 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 for each stage of the project.

Bushfire Management

E12 Asset Protection Zones

- 1) The bushfire APZs are to be inspected and approved by Council's Bushfire Officer prior to the release of the Subdivision Certificate for each relevant stage.
- 2) No dwellings shall be constructed within the APZ. Private open space, communal open space, roads, backyards and pools are permissible in the APZ.

E13 Registration of Easements / Restrictions to use / Right of carriage

- 1) The creation of easements for services, rights of carriage 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. Right of carriage ways are to benefit and burden the property owners. Maintenance of the right of carriage ways is to be shared between the property owners. Provision is also to be included in the 88B to provide public access to the proposed parks, nominating Council as the benefiting authority.
- d. Use of site regrading on sloping residential subdivision sites to manufacture flat earth platforms is not permitted. Future dwellings on these sites are to use building techniques suitable to sloping sites.

- 2) Pursuant to Section 88A of the *Conveyancing Act* (as amended) the instrument creating the right of carriage way/easement to drain water shall make provision for maintenance of the right of carriage way/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.

- 3) Any Section 88B instrument creating restrictions as to user, rights of carriage way 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.

- 4) 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.

- 5) 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 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 as to user advising the landowner of the need to maintain the wall in accordance with that standard.
- c. A restriction as to user burdening all lots in Stages 1B, 2B and 3B and Lot 90 in Stage 2A to prevent the landowner from further subdividing these lots.
- d. A restriction as to user on all lots within the subdivision that restricts the use of reflective material for any future dwellings on the site such that those materials used no not cause any visual or reflectivity issues for pilots of aircrafts using the Coolangatta Airport.
- e. A restriction as to user for Lots 91-93 that restricts future dwellings to the building locational envelope identified on Drawing No.20934-5 Rev 0 dated 1 October 2008.
- f. A restriction as to user burdening all lots that prevents use of site regrading on sloping (natural slope >10%) residential subdivision sites to manufacture flat earth platforms suitable for construction of concrete slab-on-ground dwellings.

Dwellings on these sites are to use building techniques suitable to sloping sites such as piled or piered foundations.

g. A Restriction as to User within Lots 25, 71, 90, 103-106, 112 and 125-135 allowing for the creation of a 10 metre wide Asset Protection Zone along the eastern boundary of these lots. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.

h. A Restriction as to User allowing for the creation and maintenance of a 20 metre wide Bushfire Asset Protection Zone (APZ) on Lot 91, the water quality open space area in Stage 1A and the integrated housing allotment. The width of the restriction within the boundary of Lot 91 and the integrated housing allotment must ensure that a 20m APZ is provided between the outer edge of the 40m wide ecological buffer and any dwelling. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.

i. The integrated housing allotment shall contain a restriction as to user advising the landowner(s) of the need to maintain a 20 metre Asset Protection Zone from the outer edge of the ecological buffer, as defined by the approved Vegetation Management Plan. No dwellings are to be constructed in this area. This area may contain roads, communal open space, backyards and pools. The Restriction as to User shall advise the landowner(s) of the need to maintain this area as an Asset Protection Zone.

6) 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.

E14 Defects Liability Bond

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

2) The bond shall be based on 5% of the value of the works (minimum \$1,500) 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.

3) Prior to the issue of a Subdivision Certificate for each stage of the project, 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.

4) 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.

5) A bond shall be lodged prior to the issue of the Subdivision Certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

6) The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision for each stage of the project.

7) Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate for each stage of the project. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

E15 Embellishment of Open Space

Prior to the release of a Subdivision Certificate for each stage of the project, casual open space is to be embellished consistent with the approved landscape plans. Installation of playground equipment and softfall however will not occur until 30% of the relevant stage's allotments are occupied. The developer must contribute the appropriate financial contribution for these items as a bond prior to the release of the Subdivision Certificate for each stage. Council will undertake the installation at the appropriate time.

Services

E16 Utilities – Telephone and Electricity Services

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

- 2) The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply must be submitted prior to issue of a Subdivision Certificate for each stage of the project.

- 3) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity has been completed prior to issue of a Subdivision Certificate for each stage of the project.

- 4) 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.

- 5) The submission to the Certifying Authority and subsequent registration of the required right of carriageway/easement for services/restrictions-as-to-users is required.

E17 Water Supply and Sewer

- 1) Prior to issuing a Subdivision Certificate for each stage of the project, 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 approval.

- 2) Note: The *Environmental Planning and Assessment Act 1979* makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

E18 Infrastructure / Work As Executed Plans

- 1) The Proponent is to construct, at own cost, all civil and service infrastructure works to service each stage of the subdivision, in accordance with the Construction Certificate under the supervision of an engineer or surveyor approved by the Council.

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

- 3) The plans are to be endorsed by a Registered Surveyor or a Consulting Engineer Certifying that:

a. all drainage lines, sewer lines, services and structures are wholly contained

within the relevant easement created by the subdivision;

b. 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 Drainage

1) Prior to the issue of a Subdivision Certificate for each stage of the project, 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.

2) Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

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

E20 Assets Created

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.

E21 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 for each stage of the subdivision in accordance with the Survey Practices Regulation.

Street Names

E22 Street 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 for the first stage of the subdivision.

2) Application for road naming shall be made on Council's Property Service Form and be accompanied by the prescribed fees as tabled in Council's current Revenue Policy - "Fees and Charges". The application shall also be supported by sufficient detail to demonstrate compliance with Council's Road Naming Policy.

Open Space / Landscaping

E23 Drainage Reserve

1) Dedication of the proposed drainage reserves in Stages 1A and 2B shall be undertaken at no cost to Council.

2) An accurate plan of the proposed drainage reserves shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) for the first stage of the subdivision to allow the land to be classified. Failure to comply with this condition may result in delays in the issue of the Subdivision Certificate.

3) The water quality control pond in Stage 1A shall be fully fenced in accordance with the requirements of AS1926 for children less than five (5) years of age.

E24 Landscape Entry Statement Areas

No structures or entry statement signs are to be located on public land or road reserves at the entry statement areas of the development.

E25 Landscape Maintenance Period

All landscaped areas of public land including parks, road reserves, entry statements and water quality detention areas are to be maintained for a minimum period of 12 months. This does not include the SEPP 14 Wetland area which is subject to a different maintenance period.

E26 SEPP 14 Wetland Management

All works associated with the Vegetation Management Plan (excluding ongoing maintenance) are to be completed to the satisfaction of Council prior to the release of the Subdivision Certificate for Stage 3A. The area is to be maintained consistent with the VMP recommendations for a period of five years following the issue of the Subdivision Certificate.

E27 Rough Shelled Bush Nut

The proponent must demonstrate to the satisfaction of Council that the single specimen of the Rough Shelled Bush Nut has been propagated and a minimum of 10 specimens planted in the open space areas of the site in accordance with the approved Vegetation Management Plan prior to the release of a subdivision certificate for Stage 1A of the project.

Cultural Heritage**E28 Access Trail to Midden Site**

The proponent must construct an access trail, to the satisfaction of Council, for maintenance purposes to the midden site prior to the issue of a Subdivision Certificate for Stage 3B of the subdivision. Access must not be off Fraser Drive.

Dedication of Land**E29 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 the Subdivision Certificate for each stage of the project.

2) Prior to the issue of a Subdivision Certificate for Stages 1A and 2B of the subdivision, a deed of agreement must be prepared with Council to allow the proponent to carry out management and maintenance works on the open space area in Stage 1A and 2B during the five years following construction, prior to Council maintaining this area.

E30 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 for each stage of the project. Upon dedication and at the end of the maintenance period Council will be responsible for the ongoing maintenance of the roads.

E31 Dedication of Fraser Drive Road Reserve

A 10 metre wide strip of land along the eastern boundary of the site shall be dedicated to Council for future road widening prior to the issue of a Subdivision Certificate for the first stage of the project. Upon dedication Council will be responsible for the on-going maintenance of the road reserve.

Fish Passage

E32 Tidal Floodgates

In order to improve fish passage and prevent outbreaks of mosquito and midges, two new Council approved tidal floodgates must be installed on the culvert under James Drive prior to the issue of a Subdivision Certificate for the first stage of the project.

Monetary Contributions

E33 Section 94 Monetary Contributions

- 4) Prior to the endorsement of a Subdivision Certificate for each stage of the subdivision, the Proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)*:

Amount of Contributions

Banora Point West/ Tweed Heads South Open Space Contributions Plan (2006) - Casual			
Stage	No. of ET	\$ per ET	Sub-Total
Stage 1A	11	\$1,571	\$17,281
Stage 2A	32	\$1,571	\$50,272
Stage 3A	33	\$1,571	\$51,843
Stage 1B	20	\$1,571	\$31,420
Stage 2B	26	\$1,571	\$40,846
Stage 3B	27	\$1,571	\$42,417
Banora Point West/ Tweed Heads South Open Space Contributions Plan (2006) - Structured			
Stage	No. of ET	\$ per ET	Sub-Total
Stage 1A	11	\$2,433	\$26,763
Stage 2A	32	\$2,433	\$77,856
Stage 3A	33	\$2,433	\$80,289
Stage 1B	20	\$2,433	\$48,660
Stage 2B	26	\$2,433	\$63,258
Stage 3B	27	\$2,433	\$65,691
South Tweed Heads Master Drainage Contributions Plan (2006)			
Stage	No. of Hectares	\$ per Hectare	Sub-Total
Stage 1A	0.6923	\$8,805	\$6,095.70
Stage 2A	1.977	\$8,805	\$17,407.49
Stage 3A	1.911	\$8,805	\$16,826.36
Stage 1B	5.3505	\$8,805	\$47,111.15
Stage 2B	3.364	\$8,805	\$29,620.02
Stage 3B	4.1155	\$8,805	\$36,236.98
Tweed Road Contribution Plan (2007)			
Stage	No. of Trips	\$ per trip	Sub-Total
Stage 1A	71.5	\$851	\$60,847
Stage 2A	208	\$851	\$177,008
Stage 3A	214.5	\$851	\$193,603