

Modification of Minister's Approval

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

The Planning Assessment Commission of New South Wales (the Commission), under the instrument of delegation dated 20 May 2011, approve the modification of the concept application referred to in schedule 1, subject to the conditions in schedule 2.



Member of the Commission



Member of the Commission

Sydney

11 August 2013

SCHEDULE 1

Concept Approval:

06_0318 granted by the Minister for Planning on 19 August 2010

For the following:

Residential subdivision, Kings Forest, Tweed LGA.

Modification:

Mod 2 06_0318: The modification includes the following:

- amendments to term A2 of the approval amending the approved concept plan drawings
- amendments to term B4 of the approval requiring a new east-west wildlife corridor
- a new term of approval requiring a revised plan of land dedication
- a new term of approval that modifies the revised Development Code
- a new term of approval requiring the Proponent to implement all management and maintenance activities in the environmental management plans in perpetuity
- a new term of approval requiring environmental auditing and reporting on all environmental lands
- a new future environmental assessment requirement requiring further traffic assessment for the future upgrades to the Tweed Coast Road and Kings Forest Parkway intersection
- new future environmental assessment requirements regarding the embellishment and dedication of casual and structured open space
- a new future environmental assessment requirement requiring a Rehabilitation Plan for Blacks Creek
- a new future environmental assessment requirement requiring a management plan for the new east-west wildlife corridor
- a new future environmental assessment requirement requiring all future development applications for subdivision to provide details of proposed land dedications to Tweed Shire Council

SCHEDULE 2

The above approval is modified as follows:

SCHEDULE 1

PART A – TABLE

- 1) Delete the words “Date approval is liable to lapse: 5 years from the date of determination”

PART C – DEFINITIONS

- 2) Immediately after the definition for “Council” insert new definitions as follows:

Land to be dedicated to Council in the future means the land to be dedicated to Council as identified on the Council Dedicated Land Plan.

Council Dedicated Land Plan means the ‘Plan of Proposed Areas to be Dedicated to Council with Work Areas’ prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D.

- 3) Immediately after the definition for “Environmental Assessment” insert a new definition as follows:

Environmental Management Plan means the environmental management plans in Appendix 10 of the Preferred Project Report 2012.

- 4) Immediately after the definition for “Minister” insert a new definition as follows:

Offset Area means the land proposed to be dedicated to the Office of Environment and Heritage as identified on the ‘Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development’ prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C.

- 5) Immediately after the definition for “Preferred Project Report” insert a new definition as follows:

Preferred Project Report 2012 means the Proponent’s preferred project report lodged for project application MP08_0194 and dated October 2012.

SCHEDULE 2

PART A

- 6) Delete term A2 and replace with new term A2 as follows:

A2 *Project in Accordance with Plans*

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

Design, Landscape and Survey Drawings			
Plan No.	Revision	Name of Plan	Date
1056-RD19	A	Kings Forest Cadastre Plan	4 March 2008
01	A	Revised Concept Plan	21 August 2012
02	A	Scope of Works	21 August 2012
03	A	Site Analysis	23 August 2012
04	A	Precinct Plan	21 August 2012
05	A	Open Space Network	21 August 2012
06	A	Road Hierarchy	23 August 2012
07	A	Potential Bus Route	23 August 2012
08	B	Density Matrix Summary	12 October 2012

09	B	Development Matrix	12 October 2012
Figure 12 of Buffer Management Plan Precincts 1 & 5	-	Revised Heath Regeneration and Revegetation Areas	20 August 2012
Figure 9 of Buffer Management Plan Precinct 2-4 & 6-14	-	Revised Heath Regeneration and Revegetation Areas	20 August 2012
Figure 10 of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10A of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10B of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10C of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10D of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10E of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10F of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10G of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10H of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10I of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10J of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10K of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10L of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012

except for:

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

7) Omit point 9) in term A3 and instead insert a new point 9) as follows:

9) Kings Forest Development Code as amended by condition B6.

8) Immediately after point 9) in term A3, adding points 10) and 11) as follows:

10) Project Application Environmental Assessment Report, Kings Forest Stage 1 Subdivision and Bulk Earthworks (MP08_0194), prepared by JBA Planning dated November 2011

11) Preferred Project Report, Major Project Application No. 08_0194 Kings Forest, Stage 1 Subdivision and Bulk Earthworks Tweed Shire, prepared by Darryl Anderson Consulting Pty Ltd dated October 2012.

9) Immediately after Term A4 add new Term A5 as follows:

In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date of this approval unless works the subject of any related application are physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

PART B

10) Amend B2:

B2 *Annual Flora and Fauna Monitoring Report*

Amend term B2 by replacing the reference to "DECCW" with "OEH"

11) Delete term B3 and replace with new term B3 as follows:

B3 *Further Protection of Heathland*

Heathland is to be provided with long-term protection and allowed to naturally regenerate on the site.

The heathland to be protected is to be that contained within the 50m ecological buffer in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 12 of the Buffer Management Plan for Precinct 1 & 5 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012 and Figure 9 of the Buffer Management Plan for Precincts 2-4 & 6-14 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.

12) Delete term B4 and replace with new term B4 as follows:

B4 *East-West Wildlife Corridors*

- 1) A fully revegetated east-west wildlife corridor generally 100 metres wide (with a minimum of 50 metres at any one point) shall be constructed between the existing central east-west wildlife corridor and the existing native vegetation separating Precinct 9 and 10 from Precinct 11, (as identified in the plan, entitled "East-West Wildlife Corridor", at Attachment A to this approval) and extending to the north of the site between the existing native vegetation and ecological buffers separating Precinct 9 and 10 from Precinct 11. The corridor shall be designed to maximise fauna use (especially koalas), continuity with existing vegetation and should consider restoration works on surrounding properties. The details of this modification, including regeneration / revegetation of the corridor and the preferred long term protection mechanism are to be submitted to the satisfaction of the Director-General within 12 months of the date of the modified approval (06_0318 Mod 2) or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project, whichever occurs first.

13) Immediately after term B4, insert new terms B5, B6 and B7 as follows:

B5 *Dedication of Land to Tweed Shire Council*

- c) The Council Dedicated Land Plan shall be amended to identify each precinct (as shown in the Precinct Plan in the Preferred Project Report 2012) and the land to be dedicated to the Council for each precinct. The amended plan is to include a reconciliation table showing each precinct and the corresponding land to be dedicated to the Council. The Council Dedicated Land Plan shall be amended such that the extent of lands to be dedicated should include any environmental protection areas adjacent to the proposed stage extending to where such areas are intersected by any approved road alignment or adjoin environmental buffers to adjacent stages.
- 2) The amended Council Dedicated Land Plan shall be reviewed by Council and submitted to the Director-General for approval within 12 months of the date of the first project approval (MP08_0194) or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project whichever occurs first.

Note: If no agreement is reached the land to be dedicated to Council in the future will not be dedicated to Council and term B7 will continue to apply.

B6 *Kings Forest Development Code*

The Kings Forest Development Code dated 2012 submitted with the Proponent's PPR dated October 2012 is modified as follows:

- 1) Part A, Schedule 1
 - a. Part 2.1.15 is amended to be consistent with Clause 4A.1 of SEPP (Exempt and Complying Development Codes) 2008
 - b. Part 2.1.72 is amended to be consistent with clause 2.70 of SEPP (Exempt and Complying Development Codes) 2008
- 2) Part A, Schedule 2
 - a. Part 2.2.1(ac) is amended to be consistent with clause 3.36B of SEPP (Exempt and Complying Development Codes) 2008
- 3) Part B, Section 5.4
 - a. Control 10 - The addition of the words "or public footway" is not approved
- 4) Part B, Section 5.6
 - a. Control 1(a) - The deletion of Control 1(a) is not approved
 - b. Control 1(b) - Delete Control 1(b) and replaced with new Control 1(b) as follows:

(b) A notation that development on the dwellings/buildings adjacent to Asset Protection Zones is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas
 - c. Control 1(j) - The deletion of the words "dwellings per lot" is not approved. Immediately after the words "dwellings per lot" in Control 1(j), insert the words "and bedrooms per dwelling"

The revised Development Code is to be submitted to the satisfaction of the Director-General within 3 months of the date of this approval or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project whichever occurs first.

B7 *Implementation of Environmental Management Plans*

- 1) The Proponent is responsible for the management of all land to be dedicated to Council in the future and the Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans from the date of the Stage 1 project approval (08_0194), until such time that an agreement is reached with OEH and/or Tweed Shire Council regarding the dedication of that land.

B8 *Director-General as Moderator*

Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

PART C

14) Amend term C1 as follows:

C1 *Plan of Development*

a) Delete term C1(2) and replace with new term C1(2) as follows:

(2) A notation on fire affected lots that development is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas.

Amend term C1(4) by deleting the words "Fill and"

15) Amend term C2 as follows:

C2 *Management Plans*

Delete the first two sentences of term C2 and replace with new words as follows:

"All future applications are to include precinct-specific management plans providing details on timelines for implementation of recommended works including both establishment and maintenance periods and measurable performance criteria. Each plan is to include an annual maintenance schedule of works following the initial establishment period and ongoing monitoring requirements.

Each plan must consider all other existing plans for the site to ensure management strategies do not conflict and that each plan can be implemented without negatively impacting on the objectives of another.

Final plans are to be prepared in consultation with Council and endorsed by the Director-General prior to the lodgement of the relevant development application for each stage."

16) Delete term C3 and replace with new term C3 as follows:

C3 *Dedication of Land to OEH*

Prior to the release of the first subdivision certificate for the project, or as otherwise determined by the Director-General (at the request of the Proponent), the Proponent must provide evidence of an agreement for the dedication by Project 28 P/L to OEH of approximately 150ha of Offset Land as addition to the Cudgen Nature Reserve.

Such an agreement must outline the proponent's commitment to establish boundary fences and trails satisfactory to the needs of OEH prior to the Offset Land being added to Cudgen Nature Reserve. The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest, weed and management plans. The funding should be sufficient to ensure actions within the amended plans relevant to the new additions are able to be completed.

17) Amend term C6 as follows:

C6 *Traffic Assessment*

Immediately after Term C6(1) inserting new point (2) as follows:

(2) Any future application that requires further upgrades (eg: signalisation) of the Tweed Coast Road and Kings Forest Parkway intersection must include a further traffic assessment to determine the most appropriate traffic control device for this intersection. This analysis should be in accordance with the RMS *Traffic Modelling Guidelines* (February 2013) and should include but not be limited to;

- a) a comparison of pedestrian and vehicle numbers against the warrants for signal installation.
- b) the feasibility of alternative traffic control treatments, i.e. roundabouts.
- c) the number and type of road crashes at the proposed signal location.
- d) traffic counts and vehicle movements at the proposed signal location.

- e) the local road geometry including grades, sight distances, road width and proximity to other intersections.
- f) traffic modelling to assess site configuration, phasing and cycle times. This would incorporate other existing signals at nearby locations.
- g) the analysis should also include future land use patterns, plus current and future road network usage in and around the site.

18) Amend term C13 as follows:

C13 *Geotechnical Assessments*

Delete the first sentence in term C13 and insert a new sentence as follows:

In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future development application for subdivision, where relevant.

19) Amend term C15 as follows:

C15 *Open Space*

After term C15(1) insert new clauses (2), (3), (4) and (5) as follows:

- (2) Unless otherwise approved by the Director-General, the first 4ha of active open space (sports fields) are to be embellished and dedicated to council with the release of the 750th lot or the release of a subdivision certificate for Precinct 4, whichever occurs first. The provision of sports fields and sport field embellishment must be to the satisfaction of council. Subsequent sports field embellishment and dedication is to occur at the rate of 4ha per 750 lots constructed (that is, prior to the construction of the 1750th lot, 2750th lot, and 3,750th lot). No further subdivision certificates will be released beyond these thresholds until each required sports field area is embellished and dedicated in accordance with this staging schedule.
- (3) Prior to embellishment and dedication of the first 4ha of the sports field, a master plan for development of the entire 18ha sports field area must be prepared to the satisfaction of council. The master plan must address all boundary constraints to the design of the facility, including erection of field lighting, and proximity to drainage areas and fill batters, so that appropriate buffers can be provided around marked playing surfaces.
- (4) Embellishment and dedication of the first 4ha of the permanent sports field facility must be accompanied by the provision of:
 - (a) A sealed public access road (rural cross section with swale drainage as a minimum standard)
 - (b) Water and sewerage
 - (c) Electricity and telecommunications
- (5) Prior to the approval of any development for Kings Forest after Stage 1, for residential purposes an Open Space Concept Plan that addresses the hierarchy of casual open space areas (parks) to be provided throughout the project is to be prepared to the satisfaction of council. This must include consideration of the location of and facilities required for major central or district parks.
- (6) Note: This term of approval over-rides Statement of Commitment No.19.

20) Immediately after term C26, insert new terms C27, C28, C29 and C30 as follows:

C27 *Blacks Creek Rehabilitation Plan*

Prior to the making of the first development application for subdivision of the project, subsequent to Stage 1 (MP08_0194), or such other application as agreed by the Director-General (at the request of the Proponent) the Proponent must submit to the Director-General a Rehabilitation Plan for Blacks Creek. The plan is to be prepared in consultation with and to the satisfaction of the Department of Primary Industries – Fisheries and the Office of Environment and Heritage and approved by the Director-General.

Note: This term of approval over-rides Statement of Commitment No.23.

C28 *East-West Wildlife Corridors*

The development application for subdivision in Precinct 6, 7, 9 or 10 (whichever occurs first) must include a detailed Management Plan to include the precise location, restoration methodology, schedule and timing of works to be undertaken, maintenance and monitoring schedule, completion criteria and a mechanism for long-term protection of the new southern east-west corridor as required by term B4 of this approval.

C29 *Dedication of Land to Tweed Shire Council*

All future development applications for subdivision shall provide details of the land to be dedicated to Council in the future in accordance with the Council Dedicated Land Plan as required by Term B5 of this approval.

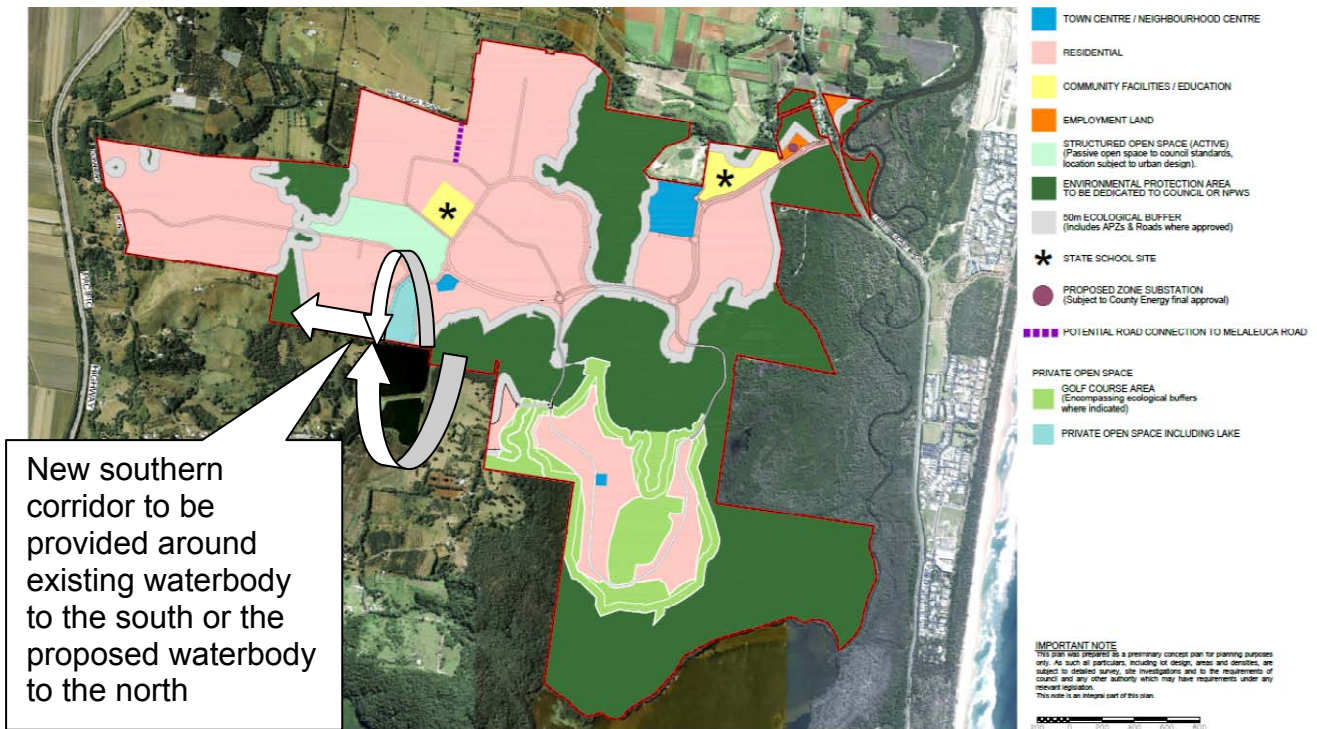
C30 *Affordable Housing*

The development application for subdivision of Precinct 7 shall provide details of how affordable housing will be provided within this precinct, in accordance with the recommendations of the Kings Forest Affordable Housing Study, Prepared for Project 28 Pty Ltd, dated December 2010 and the Preferred Project Report dated October 2012.

Note: The provision of affordable housing may be subject to the successful application for National Rental Affordable Housing Scheme (NRAS) funding.

ATTACHMENT A

EAST-WEST WILDLIFE CORRIDOR



Potential route of new southern east-west corridor, as required by modified term B4 of the concept plan approval

Project Approval

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

The Planning Assessment Commission of New South Wales (the Commission), under the instrument of delegation dated 20 May 2011, having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report determine to grant approval to the project application (08_0194) described in Schedule 1 subject to the conditions of approval in Schedule 2 and the Statement of Commitments in Schedule 3, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Member of the Commission

Sydney



Member of the Commission

11 August 2013

SCHEDULE 1

Application No.:	08_0194
Proponent:	Project 28 Pty Ltd
Approval Authority:	Minister for Planning
Land:	Kings Forest Estate Lot 76, 272, 323 and 326 of DP 755701; Lot 6 DP 875446; Lot 2 DP 819015; Lot 1 DP706497; Lot 40 DP7482; Lot 38A DP 13727; Lot 38B DP 13727; Lot 1 DP 129737; Lot 1 DP 781633; Lot 7 DP 875447; and, Lot 37A DP 13727.
Project:	Kings Forest Residential Subdivision Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5, including: • subdivision of the site into ten development lots in 4 stages; • bulk earthworks across the site; • roadworks comprising: - construction of the entrance road and associated intersection works with Tweed Coast Road;

- construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and
 - construction of two roads providing access to the southern site precincts;
 - Plan of Development for Precinct 5;
 - development of 2,036sqm of floorspace for a rural supplies building and access arrangements to Precinct 1;
 - construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5
 - subdivision of Precinct 5 into 376 residential lots comprising:
 - one townhouse lot (7,860sqm)
 - 37 terrace house lots (minimum lot size 150sqm)
 - 25 duplexes (minimum lot size 450sqm)
 - 192 zero lot dwellings (minimum lot size 240sqm)
 - 121 traditional detached dwellings (minimum lot size 400sqm)
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DEFINITIONS

Advisory Notes	means advisory information relating to the approved project but do not form a part of this approval.
BCA	means Building Code of Australia
CEMP	means Construction Environmental Management Plan
Certifying Authority (CA)	means a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue certificates.
Council	means Tweed Shire Council.
Construction certificate	means a Construction certificate for bulk earthworks or civil works unless specified otherwise.
Land to be Dedicated to Council in the Future	means the land to be dedicated to Council as identified on the Council Dedicated Land Plan
Council Dedicated Land Plan	means the 'Plan of Proposed Areas to be Dedicated to Council with Work Areas' prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D
Crown Lands	means the Crown Lands Division as part of the Department of Primary Industries or its successors.
Establishment Period	means the period commencing with the implementation of the relevant approved environmental management plan(s) and ending when the works specified in that plan meet the establishment phase performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the approval authority. The establishment period represents time necessary to carry out initial environmental repair, restoration and monitoring prior to ongoing maintenance.
Maintenance Period	means the period commencing immediately after the end of the establishment period during which environmental and monitoring works specified in the relevant approved environmental management plan(s) are to be carried out in accordance with the maintenance phase performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the approval authority.
OEH	means the Office of Environment & Heritage or its successors.
Department	means the Department of Planning & Infrastructure or its successors.
Developer	means anyone acting on behalf of the Proponent.
Director-General	means the Director-General of the Department or his/her nominee.
Environmental Assessment	means the Environmental Assessment prepared by JBA Planning and dated November 2011, including all Appendices
Environmental Management Plan	means the environmental management plans in Appendix 10 of the Preferred Project Report 2012
EP&A Act	means the <i>Environmental Planning & Assessment Act 1979</i>
Kings Forest Development Code	means the Kings Forest Development Code approved by the Director-General of the Department of Planning on 12 December 2010 as amended by condition B6
Occupation Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act
Minister	means the Minister for Planning and Infrastructure
Offset Area	means the land proposed to be dedicated to the Office of Environment and Heritage as identified on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C

PCA	means Principal Certifying Authority, as defined in the <i>Environmental Planning & Assessment Act 1979</i>
Preferred Project Report 2012	means the Proponent's Preferred Project Report lodged for project application MP08_0194 and dated October 2012
Project	means the project as described in Condition A1
Proponent	means Project 28 Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
RFS	means the Rural Fire Service or its successors
Site	means the land identified in Schedule 1.
Subdivision Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Project Description

A1. Project approval is granted only to:

PART ONE – SUBDIVISION OF ENTIRE SITE

- 1) Subdivision of the entire Kings Forest Estate site into ten (10) allotments (proposed Lots 1 – 10);

PART TWO – BULK EARTHWORKS AND CIVIL WORKS

- 2) Staged bulk earthworks across the site to lower site levels in Precincts 2, 4, 5, 12, 13 and 14 in order to provide fill to create development pads for the residential areas in Precincts 1 and 6 to 11 and contour the future golf course in Precincts 12, 13 and 14
- 3) Road forming works, comprising:
 - a) Construction of the entrance road into the site and associated intersection works on Tweed Coast Road
 - b) Alignment and construction of Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western precincts
 - c) Alignment and part construction of two roads through SEPP14 wetland areas to access the southern development precincts and golf course

- 4) Construction of subdivision and infrastructure works along the Kings Forest Parkway and within Precincts 1 and 5

PART THREE – CONSTRUCTION OF PRECINCT 1

- 5) Construction of 2,036sqm of floorspace for a rural supplies building, including carparking and landscaping.

PART FOUR – SUBDIVISION OF PRECINCT 5

- 6) Subdivision of Lot 2 (Precinct 5) into 376 Torrens title residential development lot, three public reserve lots, eight drainage reserve and Asset Protection Zone lots, one environmental open space lot and one lot for locating the sewer pump station, in accordance with the Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan (Drawing No.34860-2_PROP, dated 5 September 2012, Revision D, Sheet 1 of 1)

Kings Forest Concept Plan

A2. The project shall be generally undertaken within the terms of the concept plan approval for the Kings Forest Estate (Major Project 06_0318) approved by the Minister on 22 December 2010 and as modified on the same date as this project approval.

Terms of Approval

- A3. The Proponent shall carry out the project generally in accordance with the:
- (a) Environmental Assessment prepared by JBA Planning dated November 2011
 - (b) Preferred Project Report prepared by Darryl Anderson Consulting dated October 2012, including Appendices 1 to 30
 - (c) Revised Statement of Commitments at Schedule 3 of this approval
 - (d) Conditions of this approval, and
 - (e) The following drawings:

Civil Drawings Prepared by Mortons Urban Solutions – Precinct 1 and 2			
Drawing No.	Revision	Name of Plan	Date
12301-SK-050	A	Kings Forest Precincts 1-5 Earthworks Phasing Diagram	29.01.13
12301-EMAW-007	C	Road Hierarchy & Staging Plan	30.08.12
12301-EMAW-	B	Sediment & Erosion Concept Plan	30.08.12

010			
12301-EMAW-030	C	Bulk Earthworks Cutfill Plan Sheet 01	27.08.12
12301-EMAW-031	C	Bulk Earthworks Cutfill Plan Sheet 02	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 3, 4 and 5			
Drawing No.	Revision	Name of Plan	Date
12301-05-007	B	Road Hierarchy and Staging Plan	27.08.12
12301-05-008	B	Indicative Staging Plan	27.08.12
12301-05-010	B	Sediment and Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 6-11			
Drawing No.	Revision	Name of Plan	Date
12301-EWB-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Golf Course Precincts 12-14			
Drawing No.	Revision	Name of Plan	Date
12301-GC-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Subdivision Plans Prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 1 of 1	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan Kings Forest For Stage 1 Project Application	05.09.2012

Sheet 1 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 2 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 3 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 4 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 5 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 6 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 7 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 8 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 9 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 10 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 11 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
113691-LD-1f	F	Indicative Subdivision Plan Precinct 5	12 October 2012
113691-STP-10a	A	Precinct 5 Indicative Staging Plan	12 October 2012
Sheet 1 of 1	C	Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development	23.08.12
Architectural Plans Prepared by The Buchan Group – Precinct 1			
Drawing No.	Revision	Name of Plan	Date
SK001	T	Site Plan & Location Plan	21.08.2012
SK104	G	Elevation	21.08.2012
SK106	B	Elevation	21.08.2012

Inconsistencies Between Documents

A4.

- 1) In the event of any inconsistency between the documentation referred to in condition A3, the most recent document shall prevail to the extent of the inconsistency.
- 2) In the event of any inconsistency between the conditions of this approval and the documents referred to in condition A3, including the Proponent's Statement of Commitments, the conditions of this approval shall prevail.

- 3) In the event of any inconsistency between this project approval and the concept plan approval, or any other development consent over the land, the concept plan approval shall prevail to the extent of the inconsistency

Subdivision Manual

A5.

- 1) All works approved as part of this project are to be carried out generally in accordance with Council's *Development Control Plan Part A5 - Subdivision Manual* (as in force at the date of this approval) and council's relevant Development Design and Construction Specifications (as in force at the date of this approval) unless otherwise altered by the provisions of the Kings Forest Development Code.

Note: minor variations to the drawings approved in this approval may be required and approved in applications for construction certificate at the discretion of the certifying authority.

- 2) Notwithstanding condition A5(1) above, where there is any inconsistency with the Subdivision Manual, the conditions of this approval, the Kings Forest Concept Plan (06_0316) and Kings Forest Development Code, prevail to the extent of the inconsistency.

Construction Staging (Bulk Earthworks)

A6.

- 1) Bulk earthworks are to be undertaken in stages as generally described below, as per Morton's plan 12301-SK-050 Revision A, dated 29/01/13 and the Bulk Earthworks Sequencing Diagram 12301-ALL-041 Revision B, dated 16 October 2012:
 - 1) Stage 1(a) Precinct 5 (Phase 1)
 - 2) Stage 1(b) Precinct 5 (Phase 2)
 - 3) Stage 1(c) Precinct 1, Precinct 2, Kings Forest Parkway and part Precinct 4 (Phase 3)
 - 4) Stage 1(d) Precinct 5 (Phase 4)
 - 5) Stage 1(e) Precinct 4 (Phase 5)
 - 6) Stage 1(f) Precinct 4 (Phase 6)
 - 7) Stage 1(g) Precincts 6-11
 - 8) Stage 1(h) Precincts 12 – 14

Construction Staging (Civil Works)

A7. Civil works are to be constructed in stages as generally described below:

- 1) Stage 1 – Bulk earthworks and civil infrastructure – Tweed Coast Road intersection and civil infrastructure for Precincts 1 and 5
- 2) Stage 2 – Roadworks for the remainder of the Kings Forest Parkway and the roads to Precincts 12 to 14.

Subdivision Staging

A8. Precinct 5 is to be subdivided into 376 torrens title residential lots in stages as generally described below:

	Townhouses	Terraces	Duplexes	Zero-Lot Dwelling	Traditional Detached Dwelling	Totals
Stage 1	-	23	3	36	48	110
Stage 2	-	-	2	18	3	23
Stage 3	-	-	1	8	6	15
Stage 4	-	-	3	23	13	39
Stage 5	-	-	1	36	22	59
Stage 6	-	-	3	17	3	23
Stage 7	-	14	3	20	12	49
Stage 8	-	-	5	18	8	31

Stage 9	-	-	4	16	6	26
Stage 10	1	-	-	-	-	1
					TOTAL	376

Stages 1, 2 and 3 shall be undertaken first. The order of subsequent stages can be varied by the Proponent with the written approval of the Director-General.

Statutory Requirements

A9. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the Project.

Road Works

A10. All road works associated with the proposal will be at no cost to council.

Certification

A11.

- 1) Construction certificate: Prior to the commencement of bulk earthworks and subdivision works, the Proponent must obtain the appropriate Construction certificates for the proposed works from either council or an accredited certifier.
- 2) Subdivision certificate: Prior to registration of the plan of subdivision of the project, under Division 3 of Part 23 of the *Conveyancing Act 1919*, a Subdivision Certificate pursuant to Section 109C(1)(d) of the Act must be obtained in accordance with Section 109D(d) of the Act.
- 3) Notwithstanding any other condition of this approval, separate Construction certificates for bulk earthworks and civil works (including any approved staging) may be issued.

Limits of Approval

A12.

- 1) This approval does not give approval to the first use of the rural supplies building in Precinct 1, including hours of operation, car parking, access to Tweed Coast Road, retail fit out, use or signage of the building in Precinct 1. Separate development approval/s for these matters must be obtained.
- 2) This approval does not approve the removal of any heathland within the full extent of the 50 metre ecological buffers in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 12 of the Buffer Management Plan for Precinct 1 & 5 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012 and Figure 9 of the Buffer Management Plan for Precincts 2-4 & 6-14 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.
- 3) This approval does not approve any bulk earthworks within ecological buffers across all precincts as depicted on Drawing No. 12301-ALL-041 Revision B, with the exception of minor encroachments into the Precinct 5 ecological buffer for the construction of stormwater management areas (bioinfiltration and vegetated swales), placement of Koala fencing, and construction of Road No. 9 in the south western corner of Precinct 5 for an area of 686m² as contained within the Proponent's Preferred Project Report 2012 and shown on the Precinct 5 Swale Sections Plan (Drawing No.12301-SK-044 Amendment C dated 15 August 2012) and Road Reserve / Buffer Interface Plan (Drawing No.12301-SK-046 Amendment A dated 17 August 2012).
- 4) This approval does not give approval to any bulk earthworks in Precinct 3. Separate approval(s) for these works must be obtained from council if required by the EP&A Act 1979.
- 5) This approval does not give approval for any transport of fill sourced within the land that is the subject of the approval to other land.

Management and Maintenance of Environmental Lands

A13. The Proponent is responsible for the management of all land to be dedicated to Council in the future and the Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans from the date of the Stage 1 project approval (08_0194), until such time that an agreement is reached with OEH and/or Tweed Shire Council regarding the dedication of that land.

Prescribed Conditions

A14. The Proponent shall comply with all relevant prescribed conditions of the project approval under Part 6, Division 8A of the Regulation.

Director-General as Moderator

A15. Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

Legal Notices

A16. Any advice or notice to the approval authority shall be served on the Director-General.

Lapsing of Approval

A17. In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date of this approval unless building, engineering or construction work relating to the works authorised by this approval is physically commenced on the land to which this approval applies before this date.

PART ONE – SUBDIVISION OF ENTIRE SITE

Subdivision of Kings Forest Estate

1.

- 1) The Proponent shall subdivide the entire site prior to commencing any bulk earthworks across the site. The subdivision at this stage shall be generally in accordance with the following plans:

Plan of Subdivision prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13

- 2) The subdivision shall create the following new allotments:

Proposed Lot	Proposed Use	Area
Lot 1	Precinct 1 – rural supplies development	2.368 ha
Lot 2	Precinct 5 – residential development and part of Kings Forest Parkway	41.28 ha
Lot 3	Environmental protection areas to be dedicated to NPWS (including roads proposed to be closed)	180.6 ha
Lot 4	Environmental protection areas to be offered to TSC for dedication	5.18 ha
Lot 5	Environmental protection areas to be offered to TSC for dedication	4.686 ha
Lot 6	Regional sewer pump station	396m ²
Lot 7	Precincts 2, 3 and 4	36.94 ha
Lot 8	Road to southern precincts	1.119 ha
Lot 9	Part of Kings Forest Parkway and road to southern precincts	3.967 ha
Lot 10	Precincts 6 to 14	592.2 ha

Registration of Easements / Restrictions to Use / Rights of Carriageway

2.

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable to the subdivision of the entire Kings Forest Estate under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property
 - b) Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c) Easements for existing and proposed powerlines benefiting the energy supplier to allow access for maintenance purposes

- d) An easement over the existing 600mm water main across Precincts 12, 13 and 14 registered on title over the location of the main. The 88B is to benefit council and contain a provision enabling the easement to be revoked, varied or modified only with the consent of council.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of council
- 3) Pursuant to Section 88BA of the *Conveyancing Act 1919* the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened, and for costs to be shared equally or proportionally on an equitable basis.

Environmental Offset Areas

- 3. Within 3 months of the date of this approval, or as otherwise agreed with the Director-General, the Proponent shall:
 - a) engage a registered surveyor to prepare a survey plan(s) and permanently mark the boundaries of the land to be dedicated to Council in the future and the Offset Area;
 - b) where relevant, submit amended plans of proposed subdivision to the Director-General for approval that show the land to be dedicated to Council in the future and the Offset Area as separate lots;
 - c) ensure that the boundaries marked by the surveyor remain marked at all times in a permanent manner that allows operating staff, the landowner and inspecting officers to clearly identify those boundaries; and
 - d) submit for the Director-General's approval, a form of dealing(s) to be registered on the title to the land to be dedicated to Council in the future and the Offset Area that must:
 - i. bind all future landowners;
 - ii. provide for the management of the land to be dedicated to Council in the future and the Offset Area for conservation purposes including the implementation of relevant Environmental Management Plans, in perpetuity;
 - iii. permit access to the land to be dedicated to Council in the future and the Offset Area by the Department, the OEH and Council at all times for the purpose of monitoring compliance with relevant covenants and the Environmental Management Plans; and
 - iv. provide for a release of any registered dealings in circumstances where all or part of the land to be dedicated to Council in the future or the Offset Area are transferred to a public authority.
 - e) Where land to be dedicated to Council in the future or the Offset Area is not subject to any amended plans of subdivision, the Proponent must within 1 month of the Director-General's approval of the dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the land to be dedicated to Council in the future or the Offset Area and provide to the Director-General evidence of such registration within 10 days of the dealing(s) being registered.
 - f) Where land to be dedicated to Council in the future or the Offset Area is subject to any amended plans of subdivision, the Proponent must within 3 months of the later of the Director-General's approval of the amended plans of subdivision under condition 3(1)(b) or the Director-General's approval of dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the land to be dedicated to Council in the future or the Offset Area to the Director-General evidence of such registration within 10 days of the dealing(s) being registered.

PART TWO – BULK EARTHWORKS AND CIVIL WORKS (ALL PRECINCTS)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Pre-Construction Dilapidation Report

- 4. The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 bulk earthworks. A copy of the report is to be forwarded to the department and council.

Earthworks Prohibited in Ecological Buffers

- 5. Prior to the issue of the first construction certificate for bulk earthworks, all civil works drawings shall be amended and submitted to the department for approval. The amended plans must clearly demonstrate that there will be no earthworks activities in the full 50 metre width of the ecological buffers anywhere

across the site, with the exception of Precinct 5, as outlined in Condition A12 above and Roads 9, 10 and 23 that traverse the ecological buffers to access the southern and western precincts.

Construction Compliance Bond

6. Prior to the issue of the first construction certificate for Civil Works, 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 Civil Works as set out in council's fees and charges at the time of payment. The bond may be called up at any time for the payment of the cost of either or both of the following non compliances with the conditions of approval:
- a) Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the approval relates;
 - b) Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the approval.

Long Service Levy

7. In accordance with Section 109F(1b) of the Act, 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.

EARTHWORKS

Heavy Haulage Component

8. Payment of a contribution pursuant to Section 94 of the EP&A Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 6.01.1 (as in force at the date of this approval) is required prior to the issue of the first subdivision certificate.

Staging of Bulk Earthworks

9. Staging of the bulk earthworks shall be in accordance with the following:
- a) A Construction Certificate application for Bulk Earthworks shall be lodged for each of the proposed 8 (eight) sequences or stages for the earthworks as detailed in the bulk earthworks drawings numbers 12301-ALL-041 Revision B prepared by Mortons Urban Solutions dated 16 October 2012.
 - b) An earthworks phasing diagram shall be submitted with each application for a construction certificate for bulk earthworks to define maximum exposed areas.
 - c) A detailed construction management strategy is to be provided for each sequence/stage of the bulk earthworks, identifying how the site and earthworks are to be programmed and managed.
 - d) Bulk earthworks for the site are to be limited to a maximum exposed disturbed area (that has not been permanently vegetated) not exceeding a maximum of 5ha at any time to reduce exposed areas, unless otherwise approved by the Director-General at the request of the Proponent.
 - e) Bulk Earthworks Sequence 9 is to be further managed by being broken down into smaller maximum exposed areas, no greater than 5ha.
 - f) Notwithstanding d) above, the Kings Forest Precinct 1-5 Earthworks Phasing Diagram dated 29 January 2013 Revision A is approved subject to the following modifications:
 - i. Phase 1 shall be further broken down into two phases with a maximum exposed area no greater than 5.5ha.
 - ii. Phase 2 shall be broken down into two phases with a maximum exposed area no greater than 9ha.
 - iii. Phase 3 shall be broken down into two phases with a maximum exposed area no greater than 7ha.
 - iv. Phase 6 shall be broken down into two phases with a maximum exposed area no greater than 9ha.
 - g) Works are to be topsoiled, mulched and seeded within 7 days after completion to protect the exposed areas from water and wind erosion.

Plans of Bulk Earthworks

10. The Proponent shall submit the following plans and specifications with an application for construction certificate for the Bulk Earthworks:
- a) Natural and finished development levels (spot levels and contours) clearly detailed with a legible scale.
 - b) Sediment and erosion control plans
 - c) Geotechnical compliance

- d) Planting/hydromulching for short term and long term batter slopes
- e) An earthworks phasing diagram that defines maximum exposed areas
- f) Maximum batter slopes shall be consistent with the recommended maximum batter slopes for stability in the geotechnical report titled "Geotechnical Investigation proposed residential subdivision Depot Road Kings Forest" prepared by Cardno Bowler dated 7 April 2011.
- g) Areas in which the natural slope exceeds 25%, a qualified geotechnical engineer is to provide further advice in relation to cut / fill construction for the bulk earthworks.
- h) A shake down area along the haul road immediately before the intersection with the road reserve.
- i) Compliance with the provisions of Council's Design Specification D6 – Site regarding.
- j) Measures to be implemented during bulk earthworks operations to ensure the existing 600mm trunk water main is protected.

Bulk Earthworks Geotechnical Compliance

11. Each stage shall be preceded by an endorsement of detailed earthworks design plans by a practising geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the Geotechnical Report prepared by Cardno Bowler titled Geotechnical Investigation proposed subdivision Depot Road, Kings Forest dated 7 April 2011.

Retaining Walls

12. Any retaining walls and/or shoring must be designed and installed in accordance with appropriate professional standards and the relevant requirements of council's Development Design Specification D6 – Site Regrading (as in force at the date of this approval), the BCA and Australian Standards. Details of proposed retaining walls and/or shoring are to be submitted to and approved by the certifying authority prior to commencing such excavations or works.

Compressible Clay Material in Precincts 11, 12 to 14

13.
 - 1) Areas of compressible clay material in Precincts 11, 12-14 (Bulk Earthworks Sequences / Stages 3 & 4) are to be to the satisfaction of a practicing geotechnical engineer.
 - 2) No filling is to occur in these areas until certification is provided by a practicing geotechnical engineer. The certification is to state that no settlement will occur and the proposed areas are capable of being developed without the need for special construction techniques. Settlement plate information is to be provided with geotechnical certification from a qualified geotechnical engineer to validate that settlement has terminated.

Cut and Fill Levels

14. Cut and fill levels for each stage within the project are to be generally in accordance with the Bulk Earthwork Cut and Fill Level Diagram 12301-ALL-040 Revision F prepared by Mortons Urban Solutions dated 16 October 2012. Cut and fill is not approved in the full 50m width of all ecological buffers, as specified in Condition A12(3).

Site Regrading

15. Site regrading undertaken for all stages of the project must be undertaken in accordance with council's Development Design Specification D6 – Site Regrading (as in force at the date of this approval). Evidence of compliance with this specification must be provided to the Certifying Authority for approval (by way of engineering plans) prior to issue of the construction certificate for each stage of the project.

Heavy Haulage Management Plan

16.
 - 1) A revised haulage management plan is to be provided for the proposed importation of 320,000m³ of fill to the site. The management plan is to include:
 - a) Alignment of the haulage route
 - b) Documentation to demonstrate that the alignment and width of the road network is suitable for a truck and/or trailer combination travelling at the prevailing speed environment for the road
 - c) Pavement testing results and corrective actions where necessary
 - d) Time frame for the proposed haulage of material
 - e) Source of fill material
 - f) Certification from a practicing geotechnical engineer that the material is suitable for the intended purpose prior to the commencement of filling works for each stage of the subdivision involving imported fill. 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.
 - g) Address impacts on the surrounding road network and residents
 - h) Applicable environmental management measures

- i) Traffic control plan prepared by a suitably qualified person
 - j) An assessment of the impacts of noise, dust and community safety on adjoining land uses along the proposed haul route.
 - k) The management plans should also include an assessment of alternative haul route options.
- 2) The haulage management plan is to be provided when the importation of fill material is required and is to be lodged with the application for a Construction Certificate (bulk earthworks) for sequence / stage 9 as detailed on drawing number 12301-ALL-050 (A) titled 'Bulk Earthworks sequencing diagram sequence 9 detail sheet' prepared by Mortons Urban Solutions dated 24 August 2012.

Acid Sulfate Soil Management Plan

17.

- 1) Where soil testing prior to the commencement of construction identifies the presence of acid sulphate soils, a detailed **Acid Sulfate Soil Management Plan** shall be prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be prepared in consultation with the NSW Office of Water and submitted to the Certifying Authority prior to the issue of a construction certificate for Stage 1 bulk earthworks.
- 2) The Plan must be consistent with the Kings Forest Stage 1 Management Plan.

Contamination

18. A Site Audit Statement prepared by an accredited NSW Site Auditor appointed under the provisions of the *Contaminated Land Management Act 1997* shall be provided to the certifying authority certifying the suitability of the subject land, being Precincts 1, 5 and subdivision and infrastructure works associated with Stage 1, for the intended purposes.

WATER MANAGEMENT

Groundwater Management – Licensing Requirements

19. The Proponent must obtain all relevant licences under the *Water Act 1912* and the *Water Management Act 2000* (whichever is relevant at the time the application is made) for all activities that intercept or extract groundwater and surface water, including constructed ponds/wetlands/lagoons.

Integrated Water Cycle Management Plan

20. The Proponent shall engage a suitably qualified person to prepare a revised **Integrated Water Cycle Management Plan** for the whole site, to be submitted to the satisfaction of the PCA prior to the issue of a construction certificate for Stage 1 civil works. The Plan shall be prepared generally in accordance with the Integrated Water Cycle Management Plan contained in the PPR, and shall include, but not be limited to the following:
- 1) Engineering designs for stormwater, drainage and water sensitive urban design measures at the site, including rainwater tanks, infiltration systems, vegetated swales, bioretention trenches, pervious parking areas and constructed wetlands.
 - a) Water Sensitive Urban Design measures are to be designed in accordance with the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Healthy Waterways)* and *Council's Development Design Specification D7 - Stormwater Quality*.
 - b) Stormwater mitigation measures shall be designed to comply with section 120 of the *Protection of the Environment Operations Act 1997* to prohibit the pollution of waters from the operation of the Project.
 - c) The design of any constructed wetland must be in accordance with any Harvestable Right Order published under Section 54 of the *Water Management Act 2000*.
 - d) All water quality treatment and/or detention devices that are constructed below the water table must be lined (clay or geo-fabric) to minimise the hydraulic connection with the surrounding groundwater system.
 - 2) Hydrology and hydraulic calculations based on models described in the current edition of *Australian Rainfall and Runoff*.
 - 3) A maintenance plan for all stormwater mitigation measures including Water Sensitive Urban design to be maintained to their design specifications into perpetuity.
 - 4) The Plan must be consistent with the Kings Forest Stage 1 Management Plan.

Stormwater Management

21.

- 1) An all weather maintenance access track shall be provided alongside the Kings Forest biofiltration swale to ensure maintenance activities can occur without disruption to road users. This track must be retained until such time that Kings Forest Parkway is upgraded to a 4 lane layout.
- 2) All plantings in biofiltration areas must be included in detailed landscaping plans, with requirements relating to bushfire protection taking precedence where they are located within APZs.
- 3) The interim water quality criteria / discharge criteria for aluminium be revised downward to reflect the ANZECC guideline method.
- 4) The maximum concentration of suspended solids that may be discharged under controlled conditions from the site in stormwater during construction and operational phases shall be derived in accordance with the ANZECC method of determination.
- 5) Water quality at proposed surface water quality monitoring sites SW1 - SW7 is to be monitored and reported on in accordance with water quality objectives set for the Tweed Catchment by the NSW Office of Environment and Heritage as follows:

Parameter	Unit	Objective as per NSW Office Environment and Heritage
pH	pH units	Freshwater 6.5 - 8.5 Estuary 7 - 8.5
Dissolved oxygen	mg/L	80 - 100% saturation
Turbidity	NTU	0.5 - 10 NTU
Total phosphorous	mg/L	0.03 mg/L
Total nitrogen	mg/L	0.3mg/L
Chlorophyll a	ug/L	<4

Flood Management

22.

- 1) Each stage of the development must be designed to ensure that the flood management (including evacuation measures to ground above the Probable Maximum Flood) arrangements for the site (as it relates to the relevant stage of the project) is consistent with the Flooding and Flood Management Assessment prepared by Gilbert & Sutherland dated June 2011, the Preliminary Flood Assessment prepared by Gilbert & Sutherland dated December 2012 and the NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010 or successive documents.
- 2) Compliance with the requirements of part 1) of this condition must be certified by a suitably qualified hydrology/hydraulic engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for Stage1 bulk earthworks.

ROADS AND TRAFFIC

Road Design

23.

- 1) Kerb and gutter (kerb/edge restraint on one way cross fall roads) 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) The design of all roads shall be consistent with the Stage 1 Project Application Road Hierarchy (Plan No. 06) prepared by RPS dated 23 August 2012 and the Stage 1 Project Application Precinct 5 Road Network plan (Plan No. 15) prepared by RPS dated 29 August 2012, except where amended by this condition.
- 3) 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 civil works for each stage of the project.
- 4) Construction of all roads must be to an urban, asphalt road formation to Council's Development Design Specification D1 – Road Design.
- 5) All landscaping indents along Kings Forest Parkway for the entire proposed length from Tweed Coast Road through to proposed Road 9, that reduce the pavement width to less than 9m shall be removed or reduced in size such that the road carriageway may be constructed to a minimum pavement width of 9m.

- 6) Kings Forest Parkway road carriageway is to be constructed to a minimum pavement width of 9m from the entry with Tweed Coast Road through to proposed Road 9. These details are to be provided on an application for a Construction Certificate.
- 7) All proposed roads (laneways) shall provide a minimum pavement width of 6m.
- 8) Access roads are to have a minimum horizontal curve radius of 10m for access roads and 15m for neighbourhood collector roads to eliminate sharp curves.
- 9) All batter slopes for road embankments greater than 1:4 are to be planted. The planting details are to be shown on a landscaping plan prepared by a suitably qualified person.
- 10) Details of fauna exclusion fencing and underpasses for roads traversing Environmental Protection Areas are to be provided to the Director-General for approval prior to the issue of a construction certificate for bulk earthworks in the southern and/or western development precincts. This may include temporary fencing and underpasses during the construction phase.

Regulatory Signage

24. All traffic regulatory signage and line marking is to be in accordance with the Australian Standard 1742.13-5009, Manual of Uniform Traffic Control Devices and the Roads and Maritime Services NSW signage guidelines, including supplements to AS1742 for each stage of the subdivision.

Cycleways/Footpaths

25.
 - 1) 2.5m wide reinforced concrete cycleways are to be provided as per drawing number 12301-05-008 (B) titled "Indicative Staging Plan" prepared by Mortons Urban Solutions dated 27 August 2012. All cycleways are to be designed in accordance with council's standard drawing 'Footway and Cycleway Details' SD013, May 2004.
 - 2) A 2.5m wide reinforced concrete cycleway is to be provided through Precinct 5 connecting the Kings Forest Parkway cycleway and the eastern perimeter cycleway, via the central park.
 - 3) A 2.5m wide reinforced concrete cycleway is to be provided on the Western side of Tweed Coast Road from the proposed entry on Kings Forest Parkway, linking into the existing 2.5m wide shared user path at the Cudgen Creek bridge, prior to the release of the first residential. A contribution credit is to be applied against the council's Section 94 Plan No.22 – Cycleways for construction of this cyclepath.
 - 4) A reinforced concrete footpath 1.2m wide is to be constructed on a compacted base on all roads, except laneways in accordance with council's standard drawing 'Footway and Cycleway Details' SD013, May 2004.

Intersections

26. A two lane roundabout shall be constructed in general accordance with Mortons Urban Solutions Drawing Number 12301-EMAW-101 (Amendment D) at the intersection of Tweed Coast Road and the Kings Forest Parkway prior to the release of the first residential lot in Precinct 5 or the development of Precinct 1.

Old Bogangar Road Access

27.
 - 1) Detailed design of the proposed intersection between the Old Bogangar Road service road and Tweed Coast Road, endorsed by the Director of Engineering and Operations of Tweed Shire Council (the Road Authority), shall be provided to the satisfaction of the Director-General within 12 months of the date of this approval.
 - 2) The detailed design shall take into account the proximity of, and access arrangements at, the Kings Forest Parkway / Tweed Coast Road intersection, and the Precinct 1 access driveway, incorporating the relevant specifications of AUSTROADS, Roads and Maritime Services, and Standards Australia.
 - 3) Options to be considered to achieve compliant intersection arrangements shall include (but not be limited to):
 - a. Relocation of the Precinct 1 driveway to create a four-way intersection with old Bogangar Road;
 - b. Appropriate intersection treatment of the four-way intersection created by (a);
 - c. Provision of U-turn facilities on Tweed Coast Road;
 - d. Connection of Old Bogangar Road to Kings Forest Parkway.
 - 4) Individual and adjacent intersection modelling be provided to ensure all movements achieve adequate levels of service, queue lengths and time delays, to the satisfaction of the Road Authority.
 - 5) Any preferred option that requires the realignment of Old Bogangar Road from its existing connection to Tweed Coast Road requires stakeholder consultation and separate planning approval from Council.

- 6) The detailed design shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.

Intersection Design

28.

- 1) Final intersection design plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for relevant civil works for the following intersections:
 - a) Tweed Coast Road and Rural Retail Access (Precinct 1)
 - b) Tweed Coast Road and Kings Forest Parkway
 - c) Town Centre Access and Kings Forest Parkway
 - d) Residential Precinct 5 access and Kings Forest Parkway
 - e) Access Roads to southern precincts and Kings Forest Parkway

Advisory Note: Detailed design of (a) and (b) shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.

Depot Road Access and Services

29.

- 1) Closure of the Depot Road road reserve and the existing access to the Depot Road sports fields site shall not occur until an alternative access road capable of supporting the continued development and future use of the sports fields is provided, and the road reserve is dedicated to Council. The alignment of the access to the Depot Road sports fields site shall be compatible with the concept layout for the proposed sports fields, taking into account boundary constraints, vegetation mapping, current consents and future infrastructure servicing needs, including water, sewerage, telecommunications, and electricity, to the satisfaction of council.
- 2) The design of the Kings Forest water, sewerage, electricity and telecommunications networks adjacent to the Depot Road sports fields must provide adequate capacity for the future connection of this site by council.

UTILITIES

Water Supply and Sewerage Strategy

30. Prior to the issue of a Construction Certificate for civil works the Proponent shall engage a suitably qualified person to prepare a detailed Water Supply and Sewerage Strategy for the whole site in consultation with and to the satisfaction of Council.

Water & Sewer

31.

- 1) Reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the project in accordance with council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications (as in force at the date of this approval).
- 2) A sewer conveyancing design report shall be submitted for all sewer pump stations and rising mains proposed to be constructed in the project. The study will include staging of pumps and mains, odour and septicity issues, interaction of future pump stations that may share the rising mains and controls for variable speed pumps that may be recommended. The sewer conveyancing design report is to be provided prior to the issue of a Construction Certificate for civil works relating to water and sewer.
- 3) A water supply network model study of the water reticulation within Precincts 1 and 5 shall be submitted to Council for approval as required by Council's Development Design Specification D11 (as in force at the date of this approval) prior to the issue of a construction certificate for civil works relating to water and sewer.
- 4) Prior to the issue of a construction certificate for any stage of the civil works in Precinct 5 and Precinct 1 the Proponent must prepare a detailed network analysis and plans for water and sewer reticulation infrastructure. The analyses must be prepared in accordance with council's Development Design Specification D11 and D12 (as in force at the date of this approval) respectively.

Zone Substation

32. The final location of the new zone substation must be approved by Essential Energy prior to the issue of a Construction Certificate for civil works.

Protection of Existing Assets

33. Prior to the issue of a construction certificate for bulk earthworks the Proponent is to provide documentary evidence that an easement five (5) metres wide and centrally located over the existing 600mm trunk water main has been created in Lots 76 and 272 on DP755701.

BUSHFIRE

Bushfire Risk Management Plan

34. The Bushfire Risk Management Plan (BRMP) shall be amended to address the following:
- 1) Co-operative relations between neighbours to minimise the potential for wildfires and work towards fire frequencies and intensities that do not impact on Koala populations
 - 2) Management actions required for future ongoing fire related Koala management in environmental protection zones.
 - 3) The revised BRMP shall be endorsed by OEH prior to the issue of a construction certificate for civil works.

LANDSCAPING

Landscape Plan

35. A revised **Landscape Plan** by a qualified landscape architect must be submitted for all areas of casual open space, structured open space, cycleways, pedestrian walkways, fauna crossings, vegetated stormwater treatment facilities, and streetscapes to be dedicated to council. Such a plan must be approved by council prior to the issue of a Construction Certificate for Stage 1 bulk earthworks. The Plan shall:
- 1) Include a planting schedule. Species selection shall be limited to locally occurring native species.
 - 2) Include embellishments that do not exceed the requirements of council's Subdivision Manual (Section A5 of the Tweed Development Control Plan) (as in force at the date of this approval) and Development Design Specification (D14) (as in force at the date of this approval) and related Standard Drawings (as in force at the date of this approval) and include grassing, landscaping, seating, playground equipment and shade cover.
 - 3) Address the standard and extent of streetscaping such that it will not place undue maintenance requirements on Council following the establishment period. This includes elimination or redesign of any streetscaping features such as median and roundabout plantings, which require the closure of traffic lanes in order for workers to carry out routine maintenance in a safe manner; the size and location of large trees in relation to stormwater facilities and underground services; and the number and location of garden beds in road reserves.
 - 4) Include details showing the final drainage, edging, paving, surface finishes, retaining wall and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - 5) Comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
 - 6) Include details showing how all landscaping elements under the plan shall be maintained in accordance with the Plan into perpetuity.
 - 7) Be consistent with the Landscape Plan for Precinct 1 and the Stage 1 Statement of Landscape Intent.
 - 8) Be compatible with the Kings Forest Stage 1 Management Plan.

Landscaping

- 36.
- 1) Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009), particularly in relation to nearby hazards and mitigation measures.
Note: New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.
 - 2) No estate signage or entry statement embellishments are permitted on public land or publicly owned assets unless the Proponent pays to Council a bond (based on the estimated cost of removing the facilities) for the cost of removal after a period of time agreed to by the asset owner.
 - 3) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 15° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application. Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
 - a. Contours and terraces where the height exceeds 1m.
 - b. Cover with topsoil and large rocks/dry stone walls in terraces as necessary.

- c. Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- d. Mulch heavily (minimum 100mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

MONITORING

Baseline Monitoring

37.

- 1) Prior to the issue of a construction certificate for bulk earthworks, the Proponent must demonstrate to the satisfaction of the department that all baseline monitoring has commenced in accordance with the relevant Environmental Management Plans, including the following:
 - a. Flora and Fauna Monitoring Report
 - b. Groundwater Management Plan
 - c. Overall Water Management Plan
 - d. Stormwater Management Plan
- 2) The Proponent must ensure that all monitoring bores and works that intersect groundwater are licensed, if relevant, from the NSW Office of Water.

ENVIRONMENTAL MANAGEMENT

Drain Maintenance Management Plan

38. The following revisions are to be made to the Drain Maintenance Management Plan (DMMP), to the satisfaction of the NSW Office of Water and the OEH:

- 1) The implementation schedule of the DMMP shall be revised to include specific map references to identify the area of works for each action
- 2) The Plan must be consistent with NSW Office of Water's *Guidelines for riparian corridors on waterfront land* (July 2012) and *Guidelines for Controlled Activities*.
- 3) The use and/or maintenance of existing and proposed roads within 40 metres of any watercourse must be carried out consistently with the *Guidelines for Controlled Activities*.
- 4) The methodology for determining the proposed maintenance requirements shall be included in the revised Plan.
- 5) Details of a monitoring program and methodology for determining 'significant silt deposits' should be provided.
- 6) Any trails adjacent Blacks Creek that are proposed to be maintained for the purpose of the DMMP must be clearly identified and excluded from Offset Lands identified for transfer to OEH as additions to Cudgen Nature Reserve.

Environmental Management Plans

39.

- 1) All Environmental Management Plans shall be revised to address management actions to be undertaken throughout the life of the project as relevant to the development precincts that the plan covers. This includes a detailed set of agreed establishment and maintenance phase performance completion criteria, ongoing monitoring and an annual maintenance schedule of works following the initial establishment period. This includes the following plans:
 - a. Flora and Fauna Monitoring Report
 - b. Buffer Management Plan
 - c. Vegetation Management Plan
 - d. Koala Plan of Management
 - e. Feral Animal Management Plan
 - f. Weed Management Plan
 - g. Threatened Species Management Plan
- 2) Performance criteria for all management plans are reviewed to ensure they are specific to each precinct and action, measurable, achievable, relevant and timely
- 3) The implementation schedule of all Environmental Management Plans shall be revised to include the following details as relevant to the precincts that the plan covers:
 - a. Actions that are specific to the precinct for which they are addressing
 - b. Specific map references to identify locations of works for all actions
 - c. Total areas to be planted (m2)
 - d. Planting density (per m2)
 - e. Number of permanent signs to be erected and maintained
 - f. Total areas for weed management activities (m2)

- g. Length of any fencing (temporary and permanent)
- h. Total areas for heath regeneration and revegetation (m2)
- i. Locations and areas (m2) of proposed threatened species habitat
- j. Timing and frequency of actions
- k. Monitoring requirements (frequency) that are specific to the action

Vegetation Management Plans

40.

- 1) The Works Schedule of all Vegetation Management Plans shall be amended to include "Assisted natural regeneration" as the preferred Proposed Measure for Works Areas 2, 13 and Additional Work Areas and wherever significant natural regeneration is occurring within the EPZ and/or ecological buffer areas. This approach should be adopted in preference to revegetation or rehabilitation programs, incorporated as a guiding principle in the Statement of Commitments and relevant plans.
- 2) The final Vegetation Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Buffer Management Plans

41.

- 1) Figures 10 and 10A to 10L shall be revised as necessary to ensure that spatial overlap of heath revegetation, Koala food tree planting and Wallum Sedge Frog compensatory habitat is minimised.
- 2) Tree plantings are to be minimised in areas that are identified as naturally regenerating.
- 3) The final Buffer Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Weed Management Plans

42.

- 1) The Weed Management Plans shall be amended to ensure that the control of weeds (including Slash Pine) within environmental protection zones, including the Cudgen Nature Reserve, should be undertaken utilising bush regeneration techniques including stem injection.
- 2) The final Weed Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Threatened Species Management Plans

43.

- 1) Proposed "melon hole" creation shall not be permitted in Acid Frog Compensatory Areas 5, 6, 7 and 8. Details of alternative offsetting arrangements for the loss of Wallum Froglet Habitat across the site must be included in the final Threatened Species Management Plan.
- 2) Tree plantings are to be minimised in areas that are identified as naturally regenerating.
- 3) The species list in Appendix 3 of the Threatened Species Management Plan – Precincts 1 and 5, James Warren & Associates, August 2012, for restoration works within the Precinct 1 ecological buffer shall be revised to demonstrate that species used in restoration works within and adjacent to the Littoral Rainforest within Precinct 1 to include only those species known from the patch or other locally-occurring rainforest species.
- 4) Details of whether and how the proposed removal of sediment from Blacks Creek may impact upon threatened wetland bird species (black necked stork, black bittern) must be included in the Plan, including any proposed mitigation measures.
- 5) The final Threatened Species Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Feral Animal Management Plan

44.

- 1) The implementation schedule of the Feral Animal Management Plan shall be revised to include the following details as relevant to the Precincts that the plan covers::
 - a. Estimated number of resources required for trapping activities, capture activities and habitat removal activities
 - b. Estimated resources required for monitoring actions
- 2) The Feral Animal Management Plan is to be revised to include mitigation and management actions for the control of Biting Insects, and consistent with Section A6 Biting Midge and Mosquito Controls of the Tweed DCP 2008.

- 3) The final Feral Animal Management Plan shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Koala Plan of Management

45. The Koala Plan of Management shall be revised as follows:

- 1) A revised offset strategy for the loss of Koala food trees incorporating the following:
 - a. the restoration and planting of Koala food trees offsite (a 27ha area of land has been nominated by OEH and identified in Map 1. (attached)).
 - b. planting of Koala food trees in the new east-west corridor as required by Term B4 of the concept plan approval
 - c. planting of Koala food trees in other suitable locations across the site should commence within one month of the revised KPOM being approved.
 - d. Koala food tree plantings are to be minimised in areas that are identified as naturally regenerating
- 2) The revised KPOM approval shall include details of the Koala food tree planting schedule with numbers and staging and be prepared in consultation with Council and submitted to the Director-General for approval within 6 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Koala Infrastructure

46.

- 1) Any roads through the environmental areas of the site must include:
 - a. fencing on both sides of the road of a design that will prevent the crossing by dogs and koalas;
 - b. fauna underpasses installed at intervals sufficient to allow unimpeded movement by wildlife including koalas across roads. Such fencing and underpasses within Environmental Protection Areas are to be constructed prior to the commencement of bulk earthworks in the southern and/or western development precincts.
- 2) Precinct 1 and 5 fauna exclusion fencing must be integrated with fencing at Tweed Coast Road. Such fencing is to be constructed at the completion of bulk earthworks.
- 3) The design and precise location of fauna exclusion fencing must ensure that the buffer area available to fauna is maximised and makes provision for a functional maintenance zone each side of the fencing in order to allow sufficient room for replacement and maintenance of the infrastructure.
- 4) Precinct 1 fauna exclusion fencing should be sited at the outer edge of the 50m ecological buffer.
- 5) Signage shall be erected in strategic locations within Precincts 1, 2, 3, 4 and 5, such as in the public open space areas within Precinct 5 and at fauna underpasses, advising residents that Koalas are active in the area and dogs should be kept on a leash at all times and encourage residents to keep dogs in enclosed yards between the hours of 6pm and 6am.
- 6) Erection of permanent vandal proof signs shall be erected at regular intervals to inform people about the purpose of the Koala exclusion fencing and the importance of maintaining the fence.

Flora and Fauna Monitoring Report

47. The Flora and Fauna Monitoring Report (FFMR) should be revised to the satisfaction of OEH as follows:

- 1) The FFMR framework should be revised to ensure that monitoring of impacts in relation to threatened wetland bird species (black-necked stork, black bittern) takes suitable account of any measures proposed in relation to drainage maintenance of Blacks Creek.
- 2) Table 4 – Threatened Fauna shall include the requirement to report fauna monitoring results to Council and OEH
- 3) The discussion of methodology in relation to monitoring of Koala should be more fully developed than that provided in Table 5 and Section 5.3, to the satisfaction of OEH
- 4) The monitoring of impacts in relation to threatened wetland bird species (Table 12) should take suitable account of any measures proposed in relation to drainage maintenance of Blacks Creek, and be consistent with actions specified in the Drain Maintenance Management Plan and Threatened Species Management Plans.
- 5) The results of all monitoring of feral animals (Table 13) shall be additionally reported to OEH to assist in efforts to co-manage any feral animal problems on and adjacent to the site.
- 6) The final Flora and Fauna Monitoring Report shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Summary of Management Plans

48. The Summary of Management Plans (SOMP) shall be revised to ensure consistency with all relevant management plans to the satisfaction of the Director-General within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Environmental Audit Reports

49.

1. Within 3 months of the establishment phase performance criteria specified in all relevant Environmental Management Plans being met for each part of the land to be dedicated to Council in the future, the Proponent must submit to the Director-General for approval, an environmental audit ("Initial Audit") for each part of the Council Dedicated Land to confirm that the all establishment phase performance and any relevant maintenance phase criteria have been met. The Initial Audit(s) must be prepared by a suitably qualified independent environmental consultant, reviewed by Council and approved by the Director-General.
2. Within 3 months after each of the first and third anniversaries, and then subsequently every 2 years, of the Director-General's approval of the Initial Audit(s) for each part of the Council Dedicated Land, the Proponent shall submit to Council for review, and the Director-General for approval, environmental audits prepared by a suitably qualified independent environmental consultant. Those environmental audits must review the condition of the Council Dedicated Land against the agreed maintenance phase performance criteria specified in each Environmental Management Plan until the affected lands have been transferred into public ownership. Environmental audit reports shall itemize all costs associated with the implementation, monitoring and reporting of all maintenance phase works and include audited financial statements.
3. In the event that an environmental audit carried out in accordance with this clause (48) indicates non-compliance with any of the relevant environmental management plans, approval for further stages of the development will not be granted.

Bond for Environmental Restoration Works

50.

- a) Prior to the issue of a construction certificate a cash bond or bank guarantee shall be lodged with Council to ensure that all the environmental management plans are implemented. The amount of such bond will be based on 135% of the cost of the environmental repair, enhancement and maintenance works for the establishment period specified in the approved environmental management plans or for a period of 5 years, whichever is longer. In this regard, two written quotes from suitably experienced and qualified contractors (to the satisfaction of the General Manager or delegate) must be submitted to Council which detail the cost of all works required.
- b) The cash bond or bank guarantee will be refunded on the satisfactory completion of works providing acceptable arrangements have been made for the long term ownership and management of the relevant lands.
- c) Monitoring of the effectiveness of the of the environmental repair, enhancement and maintenance works are to be undertaken in accordance with Condition 49 of the modified approval (08_0194). Any supplementary or approved adaptive management works deemed necessary by the independent contractor shall be promptly undertaken once the need is identified.

URBAN DESIGN

Plan of Development for Precinct 5

51. Revised plans of development for Precinct 5 are to be submitted to the Director-General for approval demonstrating full compliance with the Kings Forest Development Code.

PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS

Construction Environmental Management Plan

52.

- 1) Prior to the commencement of construction works for each stage of the project a Construction Environmental Management Plan (CEMP) shall be prepared that covers the area of works. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include, but not be limited to:
 - a) a description of all relevant activities to be undertaken on the site during construction (including an indicative timeline);
 - b) a description of relevant environmental management objectives for the site;
 - c) a detailed construction management strategy for each sequence / stage of the bulk earthworks;
 - d) details of measures to be installed to separate construction areas from publicly accessible areas;
 - e) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, licences and consultations;
 - f) a description of the roles and responsibilities for all relevant employees involved in construction
 - g) hours of work (including standard hours of work for the Environmental Officer);
 - h) a 24-hour contact telephone number shall be provided to all adjoining owners and occupants. Note: the nominated telephone number may contain provision for a voice message service outside of normal working hours.
 - i) Measures to be implemented during bulk earthworks operations to ensure the existing 600mm trunk water main is protected
 - j) Details of the Aboriginal Cultural Heritage Program for personnel and contractors (the program should be developed and implemented in collaboration with the local Aboriginal community)
 - k) A subset of the following management plans:
 - i. traffic and pedestrian management (see condition 55);
 - ii. noise and vibration management (see condition 56);
 - iii. construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition 57);
 - iv. erosion and sediment control for the entire Kings Forest Estate (see condition 54);
 - v. dust management;
 - l) Note: other conditions in this approval may specify relevant objectives or requirements for or in addition to any of the matters listed directly above.
- 2) Bulk earthworks are limited to one sequence area at a time, with the maximum exposed disturbed area (that has not been permanently vegetated) not exceeding a maximum of 5 hectares unless otherwise approved as part of this approval in Condition 9, at any time to reduce exposed areas.
- 3) The CEMP shall be submitted for the approval of the certifying authority no later than one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of the CEMP consistent with the staging of activities relating to that work. The Proponent shall also forward copy of the CEMP to the Director-General and Council for information. Construction shall not commence until written approval has been received from the certifying authority.

Construction Management Measures

53. All measures contained in the Construction Environmental Management Plan under Condition 52 and the Sediment and Erosion Control Plan under Condition 54 are to be implemented prior to the commencement of construction and be maintained throughout construction. A copy of the approved Plans shall be maintained on site and made available upon request.

Sediment and Erosion Control Plan

54.

- 1) The Proponent shall engage a suitably qualified person to prepare a detailed Sediment and Erosion Control Plan for the whole site prepared in accordance with Section D7.07 of Development Design Specification D7 - Stormwater Quality. Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with D7 and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". The Plan must be prepared in consultation with and to the satisfaction of the NSW Office of Water that addresses the following (at a minimum):
 - a) Management of stormwater runoff during bulk earthworks, civil construction, landform stabilisation, on-maintenance and operational phases for all stages of the project.

- b) Special consideration of measures required to protect the SEPP14 wetlands, particularly during construction of the two access roads to the southern residential precincts.
 - c) Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1* (2004) by Landcom.
- 2) The Plan must be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 bulk earthworks.
 - 3) Staged construction and establishment of sediment control facilities and water quality treatment shall be in accordance with Water By Design - Technical Design Guidelines (Chapter 5.5). This is in order to ensure the integrity and durability of the treatment devices in the early stages of the development,

Construction Traffic and Pedestrian Management Plan

55.

- 1) A Construction Traffic and Pedestrian Management Plan in accordance with AS1742 Set-2010 and RMS's publication *Traffic Control at Works Sites* Version 4 shall be prepared by an RTA accredited person(s), and shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to, the following matters:
 - a) ingress and egress of vehicles to the site and details of how construction of project infrastructure will be managed in proximity to local and regional roads;
 - b) loading and unloading, including construction zones;
 - c) predicted traffic volumes and measures to ensure traffic volume, acoustic and amenity impacts along construction vehicle routes are minimised;
 - d) types and routes including traffic routes for heavy vehicles, and any necessary route or timing restrictions for oversized loads;
 - e) pedestrian and traffic management methods (including site security);
 - f) Washing facilities for trucks on the site (including a vehicle shakedown area);
 - g) Hours of access to the site; and
 - h) evidence that all statutory responsibilities with regard to road traffic impacts have been complied with.

Noise and Vibration Management Plan

56.

- 1) A Noise and Vibration Management Plan to detail measures to minimise noise emissions associated with the construction of the project shall be submitted for approval as part of the CEMP. This plan shall be prepared in accordance with the *Interim Construction Noise Guidelines* (DECC, July 2009) and shall include, but not necessarily be limited to:
 - a) identification of all major sources of noise that may be emitted as a result of the construction of the project;
 - b) identification of nearby residents and other sensitive land uses;
 - c) specification of appropriate noise and vibration criteria as it applies to a particular activity;
 - d) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
 - e) procedures for the monitoring of noise emissions and vibrations; and
 - f) a description of the procedures to be undertaken if any non-compliance is detected.

Construction Waste Management Plan

57.

- 1) A Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to the following matters:
 - a) Recycling of demolition materials including concrete;
 - b) Removal of hazardous materials and disposal an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
 - c) Identification of sources of waste
 - d) Description of measures to control and manage any waste
 - e) Identification of any monitoring locations and procedures for monitoring
 - f) Licensing requirements
 - g) Measures to maximise onsite recycling
 - h) Locations of waste storage
- 2) The Proponent shall submit a copy of the Plan to council, prior to commencement of work.

Construction Waste Management

58.

- 1) The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- 3) Storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin; provided to council specifications (as in force at the date of this approval).
- 4) Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 5) The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.

Pavement Design

59.

- 1) Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
 - a. That the pavement has been designed in accordance with council's Development Design Specification, D2 (as in force at the date of this approval).
 - b. That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255 (as in force at the date of this approval).
 - c. That site fill areas have been compacted to the specified standard.
 - d. That supervision of bulk earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-2007.
- 2) During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:
 - a. That the pavement layers have been compacted in accordance with council's Development Design and Construction Specifications (as in force at the date of this approval).
 - 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) Provision of temporary turning areas and associated signage for refuse vehicles is to be provided 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.

Excavation Works

60. The PCA and council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Geotechnical Compliance

61. Each stage shall be preceded by an endorsement of detailed earthworks design plans by a practicing geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the Geotechnical Report prepared by Cardno Bowler titled Geotechnical Investigation proposed residential subdivision Depot Road, Kings Forest dated 7 April 2011 (Appendix Y of the EA).

Retaining Walls

62. Prior to commencement of construction the PCA is to be provided with a certificate of adequacy of design, signed by a practicing Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by geotechnical assessment of the founding material.

SEPP14 Wetlands

63. Prior to the commencement of works for any stage of the project, the SEPP14 wetland and Cudgen Nature Reserve boundaries must be clearly delineated on-site to prevent unauthorised access to these

areas. Temporary signage should be erected to ensure that construction workers are aware of the need to avoid and protect these sensitive areas. Design of the temporary fence should allow movement of native fauna present in the area. Temporary fencing and signage should incorporate all Environment Protection Zones including any of the ecological buffers proposed for dedication as part of Cudgen Nature Reserve.

Exclusion Fencing and Underpasses

64. Fauna exclusion fencing and underpasses (including any temporary fencing and underpasses) for roads traversing Environmental Protection Areas are to be constructed prior to the commencement of bulk earthworks in any of the southern and/or western development precincts.

Existing Services

65. 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 PCA advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the project and existing infrastructure prior to start of any works.

Drawing Reticulated Water

66. Where water is to be drawn from Councils reticulated system, the Proponent shall:

- 1) Make application for the hire of a council metered standpipe including council's nomination of point of extraction.
- 2) Where a current standpipe approval has been issued, application must be made for council's nomination of a point of extraction specific to the development.
- 3) Payment of relevant fees in accordance with council's adopted fees and charges.

Public Risk Liability

67.

- 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 Proponent 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.

Site Safety

68. Prior to the commencement of works, the Proponent shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with relevant guidelines and legislation.

Aboriginal Cultural Heritage Program

69. Records are to be kept of which staff/contractors were inducted under the Aboriginal Cultural Heritage Program and when for the duration of the project.

Community Liaison

70.

- 1) Details of the contact person and telephone number shall be clearly displayed at the site entry.
- 2) A sign is to be erected at the entry of the site to clearly advise the community liaison officer's details and contact number.
- 3) These details are to be documented in the Construction Environmental Management Plan.

Environmental and Community Liaison Officer(s)

71.

- 1) An appropriately qualified Environmental Officer(s), that is to receive the prior approval of the department, must be engaged by the Proponent for the duration of works. Their role shall be to oversee environmental compliance of the project until completion conditions have been satisfied.
- 2) A community liaison officer shall be available during construction works.
- 3) The Environmental Officer(s) may also act as the community liaison officer required by 2) above, to consult with potentially affected property owners and the department before and during construction works and shall respond to complaints of an environmental impact nature.
- 4) The Environmental Officer(s) must submit a report to the Director-General in accordance with reporting timetables in the management plans and within 3 weeks of the completion of each

earthworks stage detailing the project's compliance with relevant conditions, management plans and progress on-site.

- 5) A sign is to be erected at the entry of the site to clearly advise the environmental/community liaison officer's details and contact number. These details are to be documented in the CEMP required by Condition 52.

Implementation of Environmental Management Plans

72.

- 1) Evidence of commencement of implementation of all Environmental Management Plans shall be provided to the Director-General prior to commencement of bulk earthworks.

DURING CONSTRUCTION

Approved Plans to be On-site

73. 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.

Hours of Work

74.

- 1) The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 5:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
- 2) Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - c) variation is approved in advance in writing by the Director General or his nominee.
 - d) Residents likely to be affected by the works are notified in writing of the timing and duration of these works at least 48 hours prior to the commencement of works (with the exception of emergency work).
- 3) The Proponent is responsible to instruct and control subcontractors regarding hours of work.

Complaints Procedure

75.

- 1) At the commencement of construction the Proponent shall ensure that the following are available for community complaints during construction:
 - a) A 24 hour telephone number on which complaints about construction activities at the site may be registered.
 - b) A postal address to which written complaints may be sent.
 - c) An email address to which electronic complaints may be transmitted.
 - d) Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours.
 - e) Name, address and telephone number of the Project Manager and PCA
 - f) The telephone number, the postal address, email address, the name of the site/project manager and the approved hours of work, shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.
- 2) The Proponent shall record details of all complaints received through the means listed under this condition of this approval in an up-to-date Complaints Register.
- 3) The Proponent shall provide an initial response to any complaints made in relation to the project during construction within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in the Complaints Register.

Incident Reporting

76. Within 24 hours of detecting any incidents during construction that causes (or may cause) significant harm to the environment, the Proponent shall notify the Council and other relevant agencies of the incident and identify the following:

- 1) Describe the date, time, and nature of the incident.
- 2) Identify the cause (or likely cause) of the incident.
- 3) Describe what action has been taken to date.
- 4) Describe any proposed measures to address the incident.

Access to SEPP14 Wetland Areas and Cudgen Nature Reserve

77.

- 1) No vehicles, machinery or other equipment should be stored, driven or parked at any time within the SEPP14 wetlands or the Cudgen Nature Reserve.
- 2) No access is allowed to the SEPP14 wetlands or the Cudgen Nature Reserve during the construction period for any stage of the project other than for those works approved by this project application.

Erosion and Sediment Control

78.

- 1) All erosion and sediment control measures are to be effectively implemented and maintained in accordance with the Sediment and Erosion Control Plan as required by condition 54.
- 2) All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 3) After each storm event a suitably qualified person shall assess the adequacy of the erosion control measures and make good any damaged erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

Construction Noise Management

79.

- 1) Construction noise objectives shall be consistent with the requirements of the DECC *Interim Construction Noise Guideline (July 2009)*
- 2) Background noise levels are those identified in Environmental Assessment or otherwise identified. 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 Construction Environmental Management Plan as required by condition 52.
- 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.
- 5) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours:
 - 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
 - d) No blasting on Sundays or public holidays
- 6) 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 outlined in the Construction Environmental Management Plan.
- 7) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

80.

- 1) Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
 - a) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in the *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZEC 1990)*
- 2) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- 3) These limits apply unless otherwise outlined in the approved CEMP.

Use of Crushing Plant Machinery

81. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is not approved. Separate approval must be obtained for any such use on the site.

Dust Mitigation

82. 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:

- a) 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.
- b) 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.
- c) All materials shall be stored or stockpiled at the best locations.
- d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run off occurs.
- e) All vehicles carrying soil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.
- f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays.
- g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- h) Cleaning of footpaths and roadways shall be carried out regularly.
- i) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydro mulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.
- j) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s(54 km/h). The applicant shall be responsible for providing a calibrated wind meter on site to monitor wind speeds. The wind meter must be located so that it is easily accessed by relevant supervisors and Council Officers. This data must be able to be produced to Council on request.

Construction Waste Management

83. Management of construction waste must be undertaken in accordance with the approved Construction Waste Management Plan required by Condition 57.

Damage

84. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the project shall be repaired in accordance with Council's Development Design and Construction Specifications (as in force at the date of this approval) prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

Stormwater and Drainage

85.

- 1) Inter allotment drainage shall be provided to all lots where roof water for future dwellings cannot be conveyed to the street gutter by gravitational means.
- 2) All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification (as in force at the date of this approval).

Disposal of Seepage and Stormwater

86. Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless it meets the controlled discharge water quality criteria specified in Condition 21.

Sewer pump station

87.

- 1) An accurate plan of the sewage pumping station site shall be submitted to council 60 days prior to lodgement of an application for a Subdivision Certificate to allow the land to be classified.

Note: The *Environmental Planning and Assessment Act, 1979* (as amended) makes no provision for works under the *Water Supplies Authorities Act, 1987* to be certified by an Accredited Certifier.

Compulsory Inspections

88.

- 1) Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with council's Development Control Plan, Part A5 - Subdivision Manual, Appendix D

(as in force at the date of this approval). Inspection fees are based on the rates contained in council's current Fees and Charges:

Water Reticulation, Sewer Reticulation, Drainage

- a) Excavation
- b) Bedding
- c) Laying/jointing
- d) Manholes/pits
- e) Backfilling
- f) Permanent erosion and sedimentation control measures
- g) Drainage channels
- h) Final inspection - on maintenance
- i) Off maintenance

Sewer Pump Station

- a) Excavation
- b) Formwork/reinforcement
- c) Hydraulics
- d) Mechanical/electrical
- e) Commissioning - on maintenance
- f) Off maintenance

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design – Technical Guidelines

- a) Earthworks and filter media
- b) Structural components
- c) Operational establishment
- d) Mechanical/electrical
- e) Commissioning – on maintenance
- f) Off maintenance

- 2) Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Proponent's Supervising Consulting Engineer. The EP&A Act makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier". The fee for the above mentioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.
- 3) The PCA shall be given a minimum 24 hours notice or as agreed with the PCA, to carry out the following inspections:

Roadworks

- a) Pre-construction commencement erosion and sedimentation control measures
- b) Completion of earthworks
- c) Excavation of subgrade
- d) Pavement - sub-base
- e) Pavement - pre kerb
- f) Pavement - pre seal
- g) Pathways, footways, bikeways - formwork/reinforcement
- h) Final inspections - on maintenance
- i) Off Maintenance inspection

Street Names

89.

- 1) The Proponent shall obtain the written approval of council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- 2) The application shall demonstrate compliance with council's Road Naming Policy.

Aboriginal Cultural Heritage

90. Aboriginal Cultural Heritage matters during construction are to be addressed in the following manner:

- 1) The Proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values and implementation of the approved Cultural Heritage Management Plan. Evidence of this consultation must be collated and provided to the approval authority upon request.
- 2) The Proponent is to provide fair and reasonable opportunities for the registered Aboriginal stakeholders to monitor any initial ground disturbance works associated with the areas identified as

the 'Monitoring Areas' in the Kings Forest Aboriginal Monitoring Plan (undated). In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks and Wildlife Act 1974*.

- 3) In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The Proponent will consult with the Aboriginal community representatives the archaeologist and OEH to develop and implement management strategies for all objects/sites.
- 4) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the Proponent. If the skeletal remains are identified as Aboriginal, the Proponent must contact OEH's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OEH provide written notification to the Proponent.
- 5) All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and OEH. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and be submitted to OEH's AHIMS Registrar within 3 months of completion of these works.

Earthworks & Fill

91.

- 1) 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 practicing geotechnical engineer certifying that the new source of material is suitable for the intended purpose 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 including contamination.
- 2) During construction, the Proponent shall employ a suitably qualified geotechnical practitioner to identify and stockpile suitable fill materials on site. Any fill on the sites to be placed in accordance with AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments*. Unless sourced from within the site, only 'Virgin Excavated Natural Material' (VENM) shall be imported to the site. No fill or retaining walls shall be located within any drainage easement located within the site.
- 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; and
 - d. All topsoil to be re-spread and the site to be grassed and landscaped during battered areas.
- 4) No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of council.
- 5) In the event that poor soils are encountered during bulk earthworks activities, bulk earthworks may be undertaken in any sequence or phase (other than that as generally described in Condition A6 of this approval) only for the purpose of the following:
 - a. Temporary placing of material to enable the material to be mixed, dried or the like
 - b. Temporary stockpiling of material to enable the area from which the material is obtained to be mixed, dried or the like, providing that:
- 6) The areas used for temporary placing and stockpiling referred to in 5) above must not exceed 5ha at any one time. The areas are to be vegetated immediately after the material is removed.
- 7) The need for such activity as described in 5) above, shall be confirmed by a suitably qualified geotechnical practitioner and must not proceed without the prior written approval of the Director-General.

Surrounding Road Carriageways

92. 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.

Depot Road

93. Uninterrupted all weather vehicular access to the Depot Road sports fields site shall be maintained for the duration of works.

Burning of vegetation

94. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited.

Acid Sulfate Soils

95. All works that involve disturbance of soils shall be carried out in accordance with the approved Acid Sulfate Management Plan, as required by Condition 17.

Fauna Spotter-Catcher

96. A registered Fauna spotter-catcher is to be present during all vegetation clearing works to ensure safe dispersal of fauna as required by the Environmental Management Plans.

Protection of the Environment

97. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction and operation of the development.

Monitoring

98. All monitoring shall be undertaken in accordance with the site Environmental Management Plans, including, but not limited to, the following:

- 1) Flora and fauna
- 2) Groundwater quality and levels
- 3) Groundwater seepage
- 4) Surface water quality
- 5) Sediment and erosion control
- 6) Acid sulfate soils
- 7) Dust monitoring (as required)

PART THREE – CONSTRUCTION OF RURAL SUPPLIES BUILDING (PRECINCT 1)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Amendments to Design of Rural Supplies Building

- 99.
- 1) The design of the rural supplies building and landscaping in the north of Precinct 1 shall be modified to provide a 10m wide vegetated buffer generally in accordance with Appendix 2 of the Planning Guidelines: Separating Agricultural and Residential Land Uses (Qld Government August 1997) and Section A5 of Tweed Shire Council's DCP 2008, or any other such arrangement to the satisfaction of the Department of Primary Industries, to minimise any future potential land use conflict with agricultural land to the north of the site. Screening by physical means other than vegetation is not acceptable.
 - 2) The amended design shall be submitted to the Director-General for approval within 6 months of the date of this approval.

Use of Rural Supplies Building in Precinct 1

100. Final details regarding the proposed first use, hours of operation, car parking and service vehicle arrangements, access, signage and external storage for the building in Precinct 1 shall be submitted to the Director-General for approval prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Bushfire Management - Design and Construction

101. The design of the rural supplies building shall comply with the following:

- c. Construction of the building shall comply with Section 3 and Section 7 (BAL 29) of Australian Standard AS 3959-2009 *Construction of buildings in bushfire-prone areas* and section A3.7 of *Addendum: Appendix 3 Planning for Bush Fire Protection*.
- d. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.
- e. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Details of Materials, Colours and Finishes

102. Final design details of the proposed external materials and finishes of the building in Precinct 1, including schedules and a sample board of materials and colours (including an A3 photographic reproduction), shall be submitted to and approved by the department prior to the issue of a construction certificate for the construction of any building in Precinct 1.

Reflectivity

103. The visible light reflectivity from building materials used on the facades of the buildings in Precinct 1 shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Outdoor Lighting

104. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Access for People with Disabilities

105. The building in Precinct 1 must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings for any building in Precinct 1.

Parking Spaces

106. The number of car spaces, bicycle spaces and loading bays to be provided for the rural supplies development in Precinct 1 shall comply with the requirements of Section A2 – Site Access and Parking Code of the Tweed Shire Council Development Control Plan 2008 (as in force at the date of this approval).

Carpark and Service Vehicle Layout

- 107.
- 1) All vehicles should enter and leave the rural supplies site in a forward direction.
 - 2) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
 - 3) Appropriate pedestrian advisory signs are to be provided at the egress from the car park.
 - 4) All works/regulatory signposting associated with the rural supplies development shall be at no cost to the relevant roads authority.
 - 5) The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
 - 6) Details demonstrating compliance with the requirements specified above shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate for the construction of any building in Precinct 1.

Mechanical Ventilation

108. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environmental protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate for the construction of any building in Precinct 1.

Storage and Handling of Waste

109.

- 1) An appropriate area shall be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises, outside of the ecological buffer zone and asset protection zone. The location and design of such an area shall be in accordance with the requirements of *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).

Sewer and Water Reticulation

110. The Proponent must prepare a detailed network analysis and plans for water and sewer reticulation infrastructure prior to the issue of a construction certificate for the construction of any building in Precinct 1. The analysis must be prepared to the satisfaction of council.

Certification

111.

- 1) Proposed earthworks shall be carried out in accordance with AS 3798, Guidelines on Earthworks for Commercial and Residential Developments.
- 2) All earthworks shall have a finished grade of at least 1% so that the site drains to approved permanent drainage systems.
- 3) The earthworks shall be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with AS3798 and that the development is suitable for its intended use shall be submitted to the PCA upon completion.

Stormwater Quality

112. The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and Councils *Development Design Specification D7 - Stormwater Quality*. The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

Erosion and Sediment Control

113.

- 1) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- 2) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

Advisory Note:

A construction certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

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

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

DURING CONSTRUCTION OF PRECINCT 1

Erosion and Sediment Control

114.

- 1) Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area, where required (if subdivision include to the satisfaction of the Principal Certifying Authority). These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.
- 2) In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.
- 3) This sign is to remain in position for the duration of the project.

Bushfire Management

115. At the commencement of building works and in perpetuity, the property to the east, south-east and south of the building in Precinct 1 for a distance of not less than 21 metres, and to the property boundary north and west of the proposed building, shall be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Management

116. In addition to condition 115 above, conditions 73 to 92 and 94 to 98 of this project approval (08_0194) must be complied with during the construction of the rural supplies building in Precinct 1.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE FOR RURAL SUPPLIES BUILDING

Road Damage

117. The cost of repairing any damage caused to council or other Public Authority's assets in the vicinity of Precinct 1 as a result of construction works associated with the rural supplies development is to be met in full by the Proponent prior to the issue of any Occupation Certificate for the building in Precinct 1.

Registration of Easements

118.

- 1) Prior to the issue of any Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements and Restrictions as to User under Section 88B of the *Conveyancing Act 1919* required by this approval, have been lodged for registration or registered at the NSW Land and Property Information.
- 2) A restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
- 3) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
- 4) 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.
- 5) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Structural Inspection Certificate

119. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the rural supplies building. A copy of the certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the department after:

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

Compliance with Bushfire Requirements

120. Prior to the release of any Occupation Certificate for the project, a report is to be prepared by a BPAD Certified bushfire consultant that certifies the following:
- 1) Compliance with the RFS requirements in Condition 101
 - 2) Public road access complies with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*
 - 3) Fire trails comply with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*
 - 4) Asset Protection Zones comply with Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*
 - 5) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*
 - 6) Internal roads shall comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*
 - 7) Arrangements for bushfire emergency and evacuation have been detailed within a Bushfire Emergency / Evacuation Plan and comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

Koala Plan of Management

121. All exclusion fencing required by the Koala Plan of Management dated October 2012 as relevant to Precinct 1, must be constructed and functional prior to the release of an occupation certificate for any building in Precinct 1. Evidence is to be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management.

Landscaping

122. Upon completion of landscape works, and prior to the commencement of use, evidence is to be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan. The Proponent shall also ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state prior to any handover to council.

External Lighting

- 123.
- 1) The Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance with condition 123.
 - 2) All externally mounted artificial lighting, including security lighting, is to be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

Integrated Water Cycle Management

124. The Proponent shall provide a Works as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan submitted in accordance with condition 19 have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer.

Utilities – Water, Sewer, Telephone and Electricity Services

- 125.
- 1) The rural supplies building is to be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of an Occupation Certificate. Such connections, and any extension of services required to the rural supplies development, are to be carried out at full cost to the Proponent.

DURING OPERATIONS

Loading and Unloading

126. All loading and unloading of service vehicles in connection with the use of the rural supplies building shall be carried out wholly within the Precinct 1 site at all times.

Unobstructed Driveways and Parking Areas

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

Operations

128. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

Noise

129.

- 1) The LAeq, 15 min noise level emitted from the premises shall not exceed the project specific noise level, calculated in accordance with the NSW Industrial Noise Policy (EPA, January 2000).
- 2) All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive.

Bushfire Emergency / Evacuation Plan

130. Arrangements for bushfire emergency and evacuation are to be maintained in accordance with the Bushfire Emergency / Evacuation Plan, as required by Condition 120, and '*Planning for Bush Fire Protection 2006*'. All continuing actions which may be required (e.g. training of staff, signage requirements) shall be implemented.

Impacts on SEPP14 Wetland

131. Operation of the building shall not damage or interfere in any way with the SEPP14 wetlands.

PART FOUR – SUBDIVISION OF PRECINCT 5 (LOT 2)

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Amendments to Subdivision of Precinct 5

132. Prior to the registration of final subdivision plans for Precinct 5 an amended subdivision plan shall be submitted to the Director-General for approval that includes an additional 49.66 hectare environmental reserve lot immediately adjacent to proposed lot 1002 and 1003, and any associated ecological buffers as depicted as 'conservation offset (future) land' and 'B50 – 50m ecological buffers' on the 'Plan of Proposed Areas to be Dedicated to Council with Work Areas' prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D, in accordance with the revised plan of dedication required by term B5 of the modified concept plan approval.

Compliance Certificates

133. Prior to the application for a Subdivision Certificate for each stage of the subdivision of Precinct 5, a Compliance Certificate or Certificates shall be obtained from council for the following:-
- 1) Compliance Certificate – Bulk Earthworks
 - 2) Compliance Certificate – Roads
 - 3) Compliance Certificate - Water Reticulation
 - 4) Compliance Certificate - Sewerage Reticulation
 - 5) Compliance Certificate – Drainage and Services

Note: All compliance certificate applications must be accompanied by documentary evidence from the developers' Accredited Certifier certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the approval, the Construction certificate, *Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual* and Councils relevant Development Design and Construction Specifications unless otherwise altered by the Kings Forest Development Code. The EP&A Act makes no provision for works under the Water Management Act 2000 to be accredited by an "accredited certifier".

Part 4A Certificate

134. Prior to the registration of final subdivision plans for Precinct 5 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 of Precinct 5.

Geotechnical Certification

- 135.
- 1) Prior to issue of the first Subdivision Certificate for any stage of the subdivision of Precinct 5, the consultant geotechnical engineer is to certify the following on the site:
 - a. Level 1 Certification for the earthworks by a Registered Geotechnical Engineer in accordance with AS 3798 2007 (Guidelines on Earthworks for Commercial and Residential Development).
 - b. All lots in Precinct 5 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.
 - 2) This certification shall be provided to the PCA prior to the release of the Subdivision Certificate for the first stage of the project.

Post Construction Dilapidation Report

136. A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the subdivision 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 PCA, prior to issue of the Subdivision Certificate for each stage of the subdivision of Precinct 5.

Acoustic Provisions

137. Certification shall be received from an appropriately qualified acoustic engineer that all acoustic barriers have been installed in accordance with the Environmental Noise Impact Report prepared by CRG Acoustical Consultants dated 24 August 2012.

Damage to Property

138.

- 1) Any damage to property (including pavement damage) is to be rectified to the satisfaction of the PCA prior to the issue of a Subdivision Certificate.
- 2) 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 for each stage of the subdivision of Precinct 5.

Traffic and Access

139. In order to ensure appropriate access arrangements to the site have been made, the following roads and intersections shall be constructed to the relevant RTA and AUSTROADS standards prior to the release of a Subdivision Certificate for the first stage of subdivision in Precinct 5.

- 1) Kings Forest Parkway from the intersection of Tweed Coast Road to the first roundabout
- 2) Intersection of Tweed Coast Road and Kings Forest Parkway
- 3) The roundabout at the intersection of Kings Forest Parkway and the Precinct 5 entrance road.

Bushfire Management

140.

- 1) Prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5, the Proponent shall engage a suitably qualified bushfire consultant to certify that the site layout complies with the following:
 - a) The asset protection zones (APZ) required by *Planning for Bushfire Protection 2006* are to be provided in accordance with the Bushfire Risk Assessment prepared by Bushfiresafe (Aust) Pty Ltd dated August 2012. Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction certificate for each stage of the project.
 - b) Water, Electricity and Gas shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006*.
 - c) The internal road shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006* and the entrance way to the parking area shall be a minimum of 6.5 metres in width.
 - d) Landscaping shall comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
 - e) An Emergency Evacuation Plan is to be prepared in line with NSW RFS document *Guidelines for the Preparation of an Emergency/Evacuation Plan*.
- 2) A fire trail is to be provided around Lot 1001 to provide access to the APZ and bushland interface for fire fighting purposes. The fire trail shall comply with section 4.1.3(3) of *Planning for Bushfire Protection 2006*.
- 3) Notwithstanding 2) above, the Proponent may provide alternate access to the APZ and bushland interface within the future development of Lot 1001 where such a trail affects the design layout of the future townhouse development on Lot 1001. Any such proposal to delete the fire trail should be referred to the RFS for consideration and approval.
- 4) Certification shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for each stage of the subdivision in Precinct 5.
- 5) A Plan of Management shall be prepared by a suitably qualified bushfire consultant for the future ongoing maintenance of asset protection zones prior to the release of the Subdivision Certificate for each relevant stage of the subdivision of Precinct 5.

Flood Management

141. Prior to issue of a Subdivision Certificate for any stage of the subdivision, evidence is to be obtained from a suitably qualified professional civil engineer that certifies flood management works have been completed in accordance with the Preliminary Flood Assessment prepared by Gilbert & Sutherland dated September 2012 in Appendix 18 of the Proponent's PPR. This includes the following:

- 1) Finished pad levels across the site should be consistent with the recommended levels in the Flooding and Flood Management Assessment to ensure flood immunity during a 100 year Average Recurrence Interval (ARI) flood event, incorporating future high range climate change impacts (0.91m sea level rise plus 10% increase in rainfall intensity)
- 2) Appropriate and safe emergency evacuation routes have been provided to all residents during a Probable Maximum Flood event
- 3) Habitable floor levels are set at 0.5m above the upper limit high climate change (0.91m sea level rise plus 10% increase in rainfall intensity) ARI 100 year event.

Registration of Easements / Restrictions to Use / Rights of Carriageway

142.

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property.
 - b) Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c) A restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
 - d) A Restriction as to User on all residential lots prohibiting the keeping of cats within the site.]
 - e) All existing powerlines are to have an easement registered on title over the location of the powerlines and the land transferred to Essential Energy prior to dedication of any land to the Office of Environment and Heritage.
 - f) A Restriction as to User over all private allotments abutting the acoustic fence within Precinct 5: Certification shall be received from an appropriately qualified acoustic engineer certifying that an acoustic building shell assessment has been undertaken in accordance with Australian Standard AS3671:1989 Acoustics - Road traffic noise intrusion - Building Sitting and Construction to achieve satisfactory internal noise levels prescribed in AS/NZS 2107:1987 Acoustics - Recommended Design Sound Level and Reverberation Times for Building Interiors. The assessments are applicable to any second and subsequent level, or equivalent level, habitable spaces.
 - g) A Restriction as to User burdening all private allotments abutting any acoustic fence making the landowner responsible for the acoustic fence in perpetuity, including maintenance and replacement.
 - h) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire 2006 Guidelines and the NSW Rural Fire Service's document Standards for asset protection zones as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of council.
- 3) Pursuant to Section 88BA of the *Conveyancing Act 1919* (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened, and for costs to be shared equally or proportionally on an equitable basis

Utilities – Water, Sewer, Telephone and Electricity Services

143. All residential lots in Precinct 5 are to be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of a Subdivision Certificate for each stage of the subdivision. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Landscaping

144. Upon completion of landscape works, and prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5, evidence is to be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan submitted in accordance with condition 35. The Proponent shall also ensure that this landscaping is maintained in accordance with the Landscape Plan and in a healthy and vigorous state prior to any handover to council.

Embellishment of Open Space

145. The Proponent must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and provide to council a bank guarantee or cash contribution equivalent to the value of such items prior to release of the Subdivision Certificate for each stage.

Note: Council will undertake the installation of the play equipment and softfall at the appropriate time, but not before 20% of the Precinct 5 allotments are occupied. The developer must provide a

bank guarantee or cash contribution to the value of such items prior to the release of the Subdivision Certificate for each stage Council will undertake the installation at the appropriate time.

Integrated Water Cycle Management

146. The Proponent shall provide a Work as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5.

Koala Plan of Management

147. All necessary management measures relevant to Precinct 5 (exclusion fencing, road grids, traffic calming devices, underpasses etc) required by the approved Koala Plan of Management prepared by James Warren and Associates dated August 2012, must be constructed and functional prior to the release of a Subdivision Certificate for the first stage of the subdivision in Precinct 5. Evidence is to be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management, and submitted to the Director-General for approval.

Dedication of Public Open Space

148. The Proponent must make necessary arrangements for the progressive dedication of the public open space areas to council within Precinct 5 prior to the release of the subdivision certificate for that stage of the subdivision works in Precinct 5. Areas to be dedicated are to be consistent with the Plan of Development in Appendix 5 of the Proponent's PPR (Plan Nos 12, 13 and 14 dated 15 August 2012). This condition does not apply to the land dedicated to Council in the future.

Dedication of Land to OEH

149. In accordance with the terms of the Concept Plan approval (06_0318), the Proponent must provide evidence of an agreement for the dedication to OEH of approximately 150ha of Offset Land as addition to the Cudgen Nature Reserve prior to the release of a subdivision certificate for Precinct 5. The land to be dedicated is that land shown on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' Revision C, dated 23 August 2012 in Appendix 9 of the PPR. Such an agreement must outline the Proponent's commitment to establish boundary fences, access trails and fire trails satisfactory to the needs of OEH prior to the Offset Land being added to the Cudgen Nature Reserve. The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest and weed management plans. The funding should be sufficient to ensure actions within the Environmental Management Plans, as amended under this approval, relevant to the new additions are able to be completed.

Dedication of Internal Roads

150. All internal roads in Precinct 5 shall be constructed by the Proponent prior to the issue of a Subdivision Certificate and the roads shall be dedicated to Council upon registration of the Plan of Subdivision in the Land Titles Office, for that relevant stage of subdivision. Street numbering and street naming is to be determined in accordance with Council's street numbering policy.

Dedication of Drainage Reserve

151. Prior to the release of the subdivision certificate for each stage of the subdivision of Precinct 5 the Proponent shall:
- Indicate on the Plan of Subdivision dedication of the proposed drainage reserve at no cost to council.
 - Submit an accurate plan of the proposed drainage reserve to council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

Defects Liability Bond

- 152.
- Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with council.
 - The bond shall be based on 5% of the value of the works on land to be dedicated to Council as a consequence of the Plan of Subdivision to which the Subdivision Certificate relates (or minimum amount as tabled in Council's fees and charges current at the time of payment, whichever is greater) 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.
 - Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract

value of the footpath construction works on land to be dedicated to Council as a consequence of the plan of subdivision to which the Subdivision Certificate relates 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 on land to be dedicated to Council as a consequence of the Plan of Subdivision to which the Subdivision Certification relates is maintained by the developer for a period of 12 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.

Section 94 Developer Contributions

153.

- a) Contributions plans relevant to the project include:
 - i. CP04 Section 94 Plan No.4 – Tweed Road Contribution Plan
 - ii. CP11 Section 94 Plan No.11 – Shire Wide Library Facilities
 - iii. CP12 Section 94 Plan No.12 – Bus Shelters
 - iv. CP13 Section 94 Plan No.13 – Eviron Cemetery
 - v. CP18 Section 94 Plan No.18 – Council Administration Offices and Technical Support Facilities
 - vi. CP19 Section 94 Plan No.19 – Casuarina Beach / Kings Forest
 - vii. CP22 Section 94 Plan No.22 – Cycleways
 - viii. CP26 Section 94 Plan No.26 – Shirewide Regional Open Space
- b) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued unless all Section 94 Contributions have been paid and the Certifying Authority has sighted council's "Contribution Sheet" signed by an authorised officer of council. These charges include indexation provided for in the Section 94 Plan and will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.
- c) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

Stage 1 – Precinct 1

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	1717.992 trips	\$1186 per trip	\$2,037,539
S94 Plan No. 18	0.373555 ET *	\$1860.31 per ET	\$695.01

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	647.4 trips	\$1186 per trip	\$767,816
S94 Plan No. 11	101.25 ET	\$838 per ET	\$84,848
S94 Plan No. 12	101.25 ET	\$64 per ET	\$6,480
S94 Plan No. 13	101.25 ET	\$123 per ET	\$12,454
S94 Plan No. 18	101.25 ET	\$1860.31 per ET	\$188,356.39
S94 Plan No. 19	101.25 ET	\$2263 per ET	\$229,129
Community Facilities			
S94 Plan No. 22**	101.25 ET	\$473 per ET	\$47,891
S94 Plan No. 26 Casual	101.25 ET	\$1091 per ET	\$110,464
S94 Plan No. 26	101.25 ET	\$3830 per ET	\$387,788

Structured			
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* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	156 trips	\$1186 per trip	\$185,016
S94 Plan No. 11	25.375 ET	\$838 per ET	\$21,264
S94 Plan No. 12	25.375 ET	\$64 per ET	\$1,624
S94 Plan No. 13	25.375 ET	\$123 per ET	\$3,121
S94 Plan No. 18	25.375 ET	\$1860.31 per ET	\$47,205.37
S94 Plan No. 19 Community Facilities	25.375 ET	\$2263 per ET	\$57,424
S94 Plan No. 22**	25.375 ET	\$473 per ET	\$12,002
S94 Plan No. 26 Casual	25.375 ET	\$1091 per ET	\$27,684
S94 Plan No. 26 Structured	25.375 ET	\$3830 per ET	\$97,186

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	98.8 Trips	\$1186 per trip	\$117,177
S94 Plan No. 11	15.75 ET	\$838 per ET	\$13,199
S94 Plan No. 12	15.75 ET	\$64 per ET	\$1,008
S94 Plan No. 13	15.75 ET	\$123 per ET	\$1,937
S94 Plan No. 18	15.75 ET	\$1860.31 per ET	\$29,299.88
S94 Plan No. 19 Community Facilities	15.75 ET	\$2263 per ET	\$35,642
S94 Plan No. 22**	15.75 ET	\$473 per ET	\$7,450
S94 Plan No. 26 Casual	15.75 ET	\$1091 per ET	\$17,183
S94 Plan No. 26 Structured	15.75 ET	\$3830 per ET	\$60,323

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	265.2 Trips	\$1186 per trip	\$314,527
S94 Plan No. 11	43 ET	\$838 per ET	\$36,034
S94 Plan No. 12	43 ET	\$64 per ET	\$2,752
S94 Plan No. 13	43 ET	\$123 per ET	\$5,289
S94 Plan No. 18	43 ET	\$1860.31 per ET	\$79,993.33
S94 Plan No. 19 Community Facilities	43 ET	\$2263 per ET	\$97,309
S94 Plan No. 22**	43 ET	\$473 per ET	\$20,339
S94 Plan No. 26	43 ET	\$1091 per ET	\$46,913

Casual			
S94 Plan No. 26 Structured	43 ET	\$3830 per ET	\$164,690

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	384.8 Trips	\$1186 per trip	\$456,373
S94 Plan No. 11	59.75 ET	\$838 per ET	\$50,071
S94 Plan No. 12	59.75 ET	\$64 per ET	\$3,824
S94 Plan No. 13	59.75 ET	\$123 per ET	\$7,349
S94 Plan No. 18	59.75 ET	\$1860.31 per ET	\$111,153.52
S94 Plan No. 19 Community Facilities	59.75 ET	\$2263 per ET	\$135,214
S94 Plan No. 22**	59.75 ET	\$473 per ET	\$28,262
S94 Plan No. 26 Casual	59.75 ET	\$1091 per ET	\$65,187
S94 Plan No. 26 Structured	59.75 ET	\$3830 per ET	\$228,843

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	153.4 Trips	\$1186 per trip	\$181,932
S94 Plan No. 11	25.25 ET	\$838 per ET	\$21,160
S94 Plan No. 12	25.25 ET	\$64 per ET	\$1,616
S94 Plan No. 13	25.25 ET	\$123 per ET	\$3,106
S94 Plan No. 18	25.25 ET	\$1860.31 per ET	\$46,972.83
S94 Plan No. 19 Community Facilities	25.25 ET	\$2263 per ET	\$57,141
S94 Plan No. 22**	25.25 ET	\$473 per ET	\$11,943
S94 Plan No. 26 Casual	25.25 ET	\$1091 per ET	\$27,548
S94 Plan No. 26 Structured	25.25 ET	\$3830 per ET	\$96,708

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	322.4 Trips	\$1186 per trip	\$382,366
S94 Plan No. 11	51.25 ET	\$838 per ET	\$42,948
S94 Plan No. 12	51.25 ET	\$64 per ET	\$3,280
S94 Plan No. 13	51.25 ET	\$123 per ET	\$6,304
S94 Plan No. 18	51.25 ET	\$1860.31 per ET	\$95,340.89
S94 Plan No. 19 Community Facilities	51.25 ET	\$2263 per ET	\$115,979

S94 Plan No. 22**	51.25 ET	\$473 per ET	\$24,241
S94 Plan No. 26 Casual	51.25 ET	\$1091 per ET	\$55,914
S94 Plan No. 26 Structured	51.25 ET	\$3830 per ET	\$196,288

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	208 Trips	\$1186 per trip	\$246,688
S94 Plan No. 11	34.75 ET	\$838 per ET	\$29,121
S94 Plan No. 12	34.75 E	\$64 per ET	\$2,224
S94 Plan No. 13	34.75 E	\$123 per ET	\$4,274
S94 Plan No. 18	34.75 E	\$1860.31 per ET	\$64,645.77
S94 Plan No. 19 Community Facilities	34.75 E	\$2263 per ET	\$78,639
S94 Plan No. 22**	34.75 E	\$473 per ET	\$16,437
S94 Plan No. 26 Casual	34.75 E	\$1091 per ET	\$37,912
S94 Plan No. 26 Structured	34.75 E	\$3830 per ET	\$133,093

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	182 Trips	\$1186 per trip	\$215,852
S94 Plan No. 11	30.75 ET	\$838 per ET	\$25,769
S94 Plan No. 12	30.75 ET	\$64 per ET	\$1,968
S94 Plan No. 13	30.75 ET	\$123 per ET	\$3,782
S94 Plan No. 18	30.75 ET	\$1860.31 per ET	\$57,204.53
S94 Plan No. 19 Community Facilities	30.75 ET	\$2263 per ET	\$69,587
S94 Plan No. 22**	30.75 ET	\$473 per ET	\$14,545
S94 Plan No. 26 Casual	30.75 ET	\$1091 per ET	\$33,548
S94 Plan No. 26 Structured	30.75 ET	\$3830 per ET	\$117,773

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	78 Trips	\$1186 per trip	\$92,508
S94 Plan No. 11	17.5 ET	\$838 per ET	\$14,665
S94 Plan No. 12	17.5 ET	\$64 per ET	\$1,120
S94 Plan No. 13	17.5 ET	\$123 per ET	\$2,153
S94 Plan No. 18	17.5 ET	\$1860.31 per ET	\$32,555.43
S94 Plan No. 19	17.5 ET	\$2263 per ET	\$39,603

Community Facilities			
S94 Plan No. 22**	17.5 ET	\$473 per ET	\$8,278
S94 Plan No. 26 Casual	17.5 ET	\$1091 per ET	\$19,093
S94 Plan No. 26 Structured	17.5 ET	\$3830 per ET	\$67,025

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Section 64 Developer Contributions

154.

- a) Development Servicing plans relevant to the project include:
 - i. Tweed Shire Council Development Servicing Plans for Water Supply Services July 2007
 - ii. Tweed Shire Council Development Servicing Plans for Sewerage Supply Services July 2007
- b) 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 development have been made.
- c) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued 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.
- d) The below charges remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in council's adopted Fees and Charges current at the time of payment.
- e) The Proponent shall pay, in proportion to the additional lots created by each stage, the following monetary contributions:

Stage 1 – Precinct 1

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	4.072 ET*	\$12,575 per ET	\$51,205.40
South Kingscliff Water Levy	4.072 ET	\$292 per ET	\$1,189
Sewer Kingscliff	6.108 ET	\$6,042 per ET	\$36,904.50

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	113 ET	\$12,575 per ET	\$1,420,975
South Kingscliff Water Levy	113 ET	\$292 per ET	\$32,996
Sewer Kingscliff	113 ET	\$6,042 per ET	\$682,746

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	25.4 ET	\$12,575 per ET	\$319,405
South Kingscliff Water Levy	25.4 ET	\$292 per ET	\$7,417
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	16 ET	\$6,042 per ET	\$96,672

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	42.8 ET	\$12,575 per ET	\$538,210
South Kingscliff Water Levy	42.8 ET	\$292 per ET	\$12,498
Sewer Kingscliff	44 ET	\$6,042 per ET	\$265,848

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	60 ET	\$12,575 per ET	\$754,500
South Kingscliff Water Levy	60 ET	\$292 per ET	\$17,520
Sewer Kingscliff	60 ET	\$6,042 per ET	\$362,520

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	26 ET	\$12,575 per ET	\$326,950
South Kingscliff Water Levy	26 ET	\$292 per ET	\$7,592
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	52 ET	\$12,575 per ET	\$653,900
South Kingscliff Water Levy	52 ET	\$292 per ET	\$15,184
Sewer Kingscliff	52 ET	\$6,042 per ET	\$314,184

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	36 ET	\$12,575 per ET	\$452,700
South Kingscliff Water Levy	36 ET	\$292 per ET	\$10,512
Sewer Kingscliff	36 ET	\$6,042 per ET	\$217,512

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	30.8 ET	\$12,575 per ET	\$387,310
South Kingscliff Water Levy	30.8 ET	\$292 per ET	\$8,994
Sewer Kingscliff	32 ET	\$6,042 per ET	\$193,344

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	20 ET	\$6,042 per ET	\$120,840

Works as Executed

155.

- 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 a professional engineer or registered surveyor.
 - 2) Works as Executed Plans shall be submitted in accordance with the provisions of Council's *Development Control Plan A5 - Subdivisions Manual* (as in force at the date of this approval) and Council's *Development Design and Construction Specification, D13 - Engineering Plans* (as in force at the date of this approval).
 - 3) The earthworks shall be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798-2007 'Guidelines on earthworks for commercial and residential developments' (August 2008). A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with that standard and that the development is suitable for its intended use shall be submitted to the PCA upon completion.
 - 4) The plans are to be endorsed by a Registered Surveyor or a Consulting Engineer Certifying that:
 - a) all relevant drainage systems, sewer lines, services and structures (as appropriate) are wholly contained within an appropriate easement created by the subdivision;
 - b) the plans accurately reflect the Works 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.
- 5) Work as Executed Plans (WAX) must also be submitted for all landscaped casual and active open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines. The plans are to be certified by a registered surveyor or consulting engineer. Two categories of WAX plans are to be provided:
 - a) The original approved plan with any variation to this indicated.
 - b) Plan showing only the actual as constructed information.
 - 6) The plans are to be submitted in the following formats:
 - a) 2 paper copies of the same scale and format as the approved plan.
 - b) A PDF version on CD or an approved medium.
 - c) An electronic copy in DWG or DXF format on CD or an approved medium.

Services – Telephone and Electricity Services and Federal Government's National Broadband Network (NBN)

156.

- 1) In accordance with the Federal Government's National Broadband Network (NBN) initiatives (as may be in force at the time), the Proponent is required (at the Proponent's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services, or a complying alternative to the satisfaction of the relevant Federal Government Agency.
- 2) The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of the allotment has been completed must be submitted prior to the 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 and energising of underground electricity has been completed prior to the issue of a Subdivision Certificate for each stage of the project.
- 4) The reticulation is to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.
- 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.

Water Supply and Sewer

157.

- 1) Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all residential lots within the subdivision in accordance with Tweed Shire Council's *Development Control Plan Part A5 - Subdivisions Manual* (as in force at the date of this approval), Council's *Development Design and Construction Specifications* (as in force at the date of this approval) and the Construction Certificate approval.
- 2) The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.
- 3) 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.

- 4) The site of the sewage pumping stations shall be transferred to Council in fee simple no cost to Council within 28 days of the date of registration of the Plan of Subdivision. The size and shape of the lot shall be determined on the basis of the design of the pump station taking into account all infrastructure to be constructed on the site at the initial stage and at any future stage of the development of Kings Forest as indicated by the Water and Sewer Strategy (as in force at the date of this approval) and Council's Development Design Standards and Standard Drawings (as in force at the date of this approval). Location, size and layouts shown on the drawings are considered indicative and may be subject to change to ensure compliance with relevant standards and requirements.

Required Drainage Inspections

158.

- 1) Prior to the issue of both a Subdivision Certificate and the end of the defects liability period, a CCTV inspection of any stormwater pipes and culverts installed and intended to be dedicated to Council including joints and junctions, will be required to demonstrate that the standard of the infrastructure is acceptable to council.
- 2) All drainage design must comply with Council's Development Design and Construction Specifications (as in force at the date of this approval) in the Tweed Shire Council Development Control Plan – Section A5 - Subdivision Manual.
- 3) Any defects identified by the inspection are to be repaired in accordance with Council's Development Design and Construction Specification (as in force at the date of approval).
- 4) All costs associated with the CCTV inspection and repairs shall be borne by the Proponent.
- 5) Prior to the issue of a Subdivision Certificate for any stage of the subdivision, the Certifying Authority must undertake a final inspection of the works and be satisfied that all relevant conditions of approval have been complied with.
- 6) All components of biofiltration areas shall be constructed in accordance with the construction certificate prior to the issue of a subdivision certificate for any area within the contributing catchment, however the biofiltration areas shall be provided with temporary protection measures (such as turf) at all points of discharge into the swale/basin where sediment laden runoff may discharge during the dwelling construction phase of the precinct. The developer shall provide to Council a bank guarantee or cash contribution equivalent to the value of removing the temporary protection measures and providing the completed surface treatment, including all plantings, in accordance with approved construction certificate plans, to allow Council to undertake the surface works at an appropriate time.

Assets Created

159. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.

Survey Marks

160. 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.

DURING OPERATIONS

Bushfire Management

161. At the issue of first Subdivision Certificate and in perpetuity the asset protection zones identified on the plan titled Plan of Proposed Subdivision of Lot 2 (Precinct 5) Kings Forest, prepared by Landsurv Pty Ltd, ref: 34860-2 (Sheet 1 of 1 – revision D and Sheets 1 of 11 to 11 of 11 – revision D), dated 05.09.2012, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones* (as in force at the date of this approval).
-

ADVISORY NOTES

Appeals

- A1. The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the *Environmental Planning and Assessment Regulation 2000*.

Other Approvals and Permits

A2.

- 1) The Proponent shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.
- 2) The Proponent must obtain relevant licences under the *Water Act 1912* and the *Water Management Act 2000* (whichever is relevant at the time the application is made) for all activities that intercept or extract groundwater or surface water prior to commencement of these activities.

Responsibility for other consents / agreements

- A3. The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

SEPP14 Wetlands

- A5. Undertaking developments which damage coastal wetlands without the necessary approvals is a breach of the EP&A Act 1979 and may lead to court action. Land managers or landowners who carry out clearing, draining, filling or the construction of levees within a SEPP 14 area without approval run the risk of facing court proceedings under sections 123 or 125 of the EP&A Act. Failure to comply with SEPP 14 can result in substantial fines and orders to plant and maintain vegetation under section 126 of the EP&A Act. Orders to remedy or restrain a breach of the EP&A Act can also be made under section 124.

Temporary Structures

- A6. An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- A7. This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- A8. The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister. This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

MAP 1



Map 1: Location of ex-Banana Land, nominated by OEH as potential land for Koala food tree planting (condition 45).

SCHEDULE 3
STATEMENT OF COMMITMENTS



REVISED STATEMENT OF COMMITMENTS

KINGS FOREST

CONCEPT PLAN APPROVAL NO. 06_0218

PREPARED FOR:

PROJECT 28 PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

OCTOBER 2012

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REVISED STATEMENT OF COMMITMENTS

KINGS FOREST CONCEPT PLAN APPROVAL NO. 06_0218

5.1 Biodiversity

1. Project 28 commits to preparing detailed site-specific assessments and management plans in relation to the following matters. The detailed actions prescribed in the site specific management plans will be in accordance with the principles established in the following management plans attached to the PPR:
 - Buffer Management Plan (Attachment G);
 - Revised Vegetation Management Plan (Attachment J);
 - Revised Threatened Species Management Plan (Attachment K);
 - Revised Feral Animal Management Plan (Attachment H); and
 - Revised Weed Management Plan (Attachment 1).
2. Project 28 commits to implementing the actions and recommendations, including associated timeframes and performance monitoring arrangements, set out in the Koala Plan of Management (see Attachment L).
3. In relation to the proposed rezoning of land at Kings Forest Project 28 commits to:
 - Restoring the habitat of the Bush Stone-curlew in accordance with recommendations in the Revised Threatened Species Management Plan (see Attachment K).
 - Regenerating the heathland in the grassland community within the revised 7(1) zone south of Depot Road (Area 2) to compensate for the loss of regrowth heath for the new road alignment.
 - Rehabilitating all land proposed for rezoning as Environmental Protection in accordance with the Revised Vegetation Management Plan (see Attachment K).

5.2 Golf Course Management

4. The proponent will implement the actions in the Golf Course Management Plan (Appendix F to the EAR) and submit an Addendum to the plan with the project application for the bulk earthworks for the proposed golf course. The addendum will adopt the recommendations of the E-Par report (Attachment M) and relevant elements of the management plans referred to above.

5.3 Soils and Geotechnical Conditions

5. In relation to managing the acid sulfate soils on the site, prior to the issue of construction certificates for the future precinct earthworks Project 28 will undertake detailed site specific ASS investigations (including additional soil sampling) generally in accordance with the NSW ASSMAC Guidelines and AS1726, and prepare Acid Sulfate Soils Management Plans.
6. Project 28 will undertake detailed site specific geotechnical assessments, where relevant, (including additional drilling) in support of future Development Applications in accordance with AS1726:1993 Geotechnical Site Investigations.

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5.4 Contamination

7. Project 28 will undertake Stage 2 contamination investigations to accompany future project applications for areas of known potential contamination, including lands previously used for sugar cane and banana plantations and as a cattle dip. Where required, Remediation Action Plan(s) will be prepared in accordance with NSW State government requirements.

5.5 Water Management

8. In support of future project applications for each stage of development, Project 28 will:
 - Prepare detailed Integrated Water Cycle Management Plans- on a catchment by catchment basis- to address rainwater harvesting, stormwater quality treatment, stormwater quantity management and groundwater recharge.
 - Undertake on a site specific basis detailed groundwater assessments and prepare detailed Groundwater Management Plans in accordance with OWE requirements.
9. Project 28 will consult with the Department of Water and Energy with respect to the design, licensing and use of harvestable water rights, and surface water and ground water management strategies generally, including the monitoring of these resources. Any required water licenses will be the subject of applications to the OWE, after investigation into the licensing of the existing bore network.
10. Project 28 will provide OWE with further information on the water quality and management of ASS at Turners Quarry Lake for assessment, in support of the incorporating the lake into the Concept Plan.

5.6 Flooding and Climate Change

11. Project 28 will prepare a comprehensive flood assessment of the site for the first project application for Kings Forest. The flood assessment will determine the flood planning level for the site.

5.7 Heritage

12. The proponent will finalise the Cultural Heritage Management Plan in consultation with the traditional owners after completion of archaeological excavations and analysis of findings. This Management Plan will be submitted to the Department of Planning for approval prior to its consideration of the first project application.

5.8 Bushfire Management

13. Project 28 will manage bushfire risk in accordance with the requirements in Planning for Bushfire Protection 2006.

5.9 Traffic and Access

14. Project 28 commits to the following measures in relation to traffic, access and public transport:
 - Implementing with the first stage of subdivision, and in accordance with Tweed Shire Council requirements, the road network proposed in the Concept Plan
 - Constructing a new intersection at Tweed Coast Road and the proposed Kings Forest Parkway before completion of works in relation to the first stage of subdivision.

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-
- Designing all roads, intersections, pedestrian and cycle ways, and bus shelters to meet Tweed Shire Council requirements.
 - Designing and constructing water crossings to meet the requirements of the Department of Primary Industries.

5.10 Emergency Services

15. The proponent will make provision for sites to accommodate, if required, the NSW Ambulance Service, the Police and the NSW Fire Service.

5.11 Dedication of Lands (NPWS)

16. Project 28 will negotiate with DECC the timing, process and conditions of the dedication to the National Parks and Wildlife Service of approximately 150 hectares of the Kings Forest land adjacent to the Cudgen Paddock.

5.12 Structured Open Space

17. Project 28 will dedicate a total amount of structured open space based on 1.7 hectares per 1000 population at the occupancy rates nominated in Section 94 Plan No. CP19 – Kings Forest/Casuarina Beach.
18. The structured open space shall be embellished in accordance with the provisions of Tweed Development Control Plan 2008, Section A5 – Subdivision Manual, in particular Table A5-8.3, Sports Playing Fields – Development Standards.
19. A minimum of 4 hectares shall be dedicated and embellished for each 1000 dwellings erected on Kings Forest.

5.13 Adjoining Allotment

20. Precinct 12 (Residential) adjoins Lot 77 which is also zoned residential. Investigation of a road link to this lot is a requirement of Council's Subdivision Manual (TDCP2008, Section A5).
21. Future Development Applications over Precinct 12 shall include an investigation of a road link to Lot 77, DP 755701.

5.14 Blacks Creek Remediation and Management

22. Project 28 will remediate Blacks Creek within Kings Forest, revegetate its banks and carry out such works as are ancillary thereto, to the reasonable requirements of the NSW Department of Primary Industries and of the NSW National Parks & Wildlife Service.
23. Prior to carrying out any dredging works (as defined in section 198A of the *NSW Fisheries Management Act 1994*) to any part of Blacks Creek within Kings Forest, Project 28 will:
 - obtain a permit required by section 201(1) of the *NSW Fisheries Management Act 1994*, and
 - give the Director-General of the NSW Department of Planning and the Tweed Shire Council no less than thirty days' notice in writing of its intention to carry out such works, specifying the location and nature of the works.

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REVISED STATEMENT OF COMMITMENTS

MAJOR PROJECT APPLICATION NO. 08_0194

**KINGS FOREST STAGE 1
SUBDIVISION AND BULK EARTHWORKS**

PREPARED FOR:

PROJECT 28 PTY LTD

PREPARED BY:

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OCTOBER 2012

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REVISED STATEMENT OF COMMITMENTS

MAJOR PROJECT APPLICATION NO. 08_0194 KINGS FOREST STAGE 1 – SUBDIVISION AND GOLF COURSE

1.0 INTRODUCTION

In accordance with the Director-General's Environmental Assessment Requirements, the proponent is required to provide a Draft Statement of Commitments (SOC) in respect of proposed environmental management and mitigation measures for the project. The draft SOC was provided at Section 8.0 of the Environmental Assessment (JBA, Nov 2011).

The following are the revised commitments made by Project 28 Pty Ltd to manage and minimise potential impacts arising from the project. The revised commitments reflect the amendments to the project application and address the key issues raised in the submissions.

2.0 LAND DEDICATION

Proposed Lot 3 (being the land shown on the plan of proposed areas to be dedicated at **Appendix 9**), will be dedicated by Project 28 Pty Ltd to the NSW National Parks & Wildlife Service (NPWS) in accordance with Concept Plan Condition C3. The timing and terms of dedication will be subject to a Voluntary Planning Agreement between Project 28 Pty Ltd and NPWS.

3.0 DEVELOPER CONTRIBUTIONS

In accordance with the relevant Tweed Shire Council Section 94 Contribution Plans and Section 64 of the Local Government Act 1993, prior to the issue of any Subdivision Certificate for the residential lots in Precinct 5, Project 28 Pty Ltd will pay developer contributions in relation to the development of Precinct 5.

4.0 CONSTRUCTION MANAGEMENT

Project 28 Pty Ltd will prepare detailed precinct specific construction management plans prior to the commencement of works within every precinct. The plans will build upon the strategies outlined in the Construction Management Plan appended to the Preferred Project Report and incorporate the measures, where relevant, outlined within the following management plans:

- ♦ Summary of Management Plan
- ♦ Flora and Fauna Monitoring Report
- ♦ Construction Management Plan (includes Earthworks Management Plan and Haulage Management Plan)
- ♦ Koala Plan of Management
- ♦ Bushfire Risk Assessment and Management Plan
- ♦ Groundwater Management Plan
- ♦ Integrated Water Cycle Management Plan
- ♦ Overall Water Management Plan
- ♦ Stormwater Management Plan
- ♦ Erosion and Sedimentation Control Plan
- ♦ Drainage Maintenance Management Plan
- ♦ Buffer Management Plan, Precincts 1 and 5
- ♦ Buffer Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
- ♦ Feral Animal Management Plan

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-
- Weed Management Plan, Precincts 1 and 5
 - Weed Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
 - Threatened Species Management Plan, Precincts 1 and 5
 - Threatened Species Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
 - Vegetation Management Plan, Precincts 1 and 5
 - Vegetation Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
 - Acid Sulphate Soils Management Plan

5.0 HAULAGE MANAGEMENT

Haulage of fill material to the site will be undertaken generally in accordance with the Haulage Management Plan at **Appendix 10**. Prior to commencement of importation of fill, Project 28 Pty Ltd will prepare, and provide to Tweed Shire Council, a revised Haulage Management Plan detailing the actual source of fill, haulage routes, traffic routes and volumes, any traffic impacts and any requisite environmental management and mitigation measures.

6.0 URBAN DESIGN

Project 28 Pty Ltd will arrange for a Section 88B Instrument will be attached to the land title of each proposed residential allotment within Precinct 5 requiring any future dwelling to be designed in accordance with the design guidelines.

7.0 AFFORDABLE HOUSING

Subject to a successful application for NRAS funding, Project 28 will:

- Provide between 1% and 3% of housing (45-135 dwellings) within the Kings Forest site as affordable housing for rent for a minimum of 10 years;
- Provide dwellings at a minimum 20% discounted market rent to eligible low and moderate income households for the entire 10 year period, in keeping with NRAS requirements;
- Prioritise smaller dwellings as affordable rental dwellings to meet the highest need group; and
- Locate affordable housing in Precinct 7 or other Precincts in close proximity to the proposed Town Centres or other Precincts as deemed suitable to provide access to services and transport for high need users.

8.0 WATER SUPPLY

Prior to the commencement of construction of the dwellings within Precinct 5, Project 28 Pty Ltd will undertake further analysis to confirm the timing and required size of a reservoir at the Duranbah Reservoir Complex to service the Kings Forest development.

9.0 TRAFFIC

Project 28 Pty Ltd will ensure that appropriate pedestrian crossing facilities (such as pedestrian refuge islands) will be installed when the intersection of Kings Forest Parkway and Tweed Coast Road is constructed.

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10.0 NOISE

Road Traffic Noise

Project 28 Pty Ltd will undertake, with Development Applications for the detailed design and construction of dwellings along the Kings Forest Parkway, an assessment to determine the extent of acoustic building shell treatments necessary to achieve the required internal noise criteria for habitable spaces.

Construction Noise

In order to manage construction noise, Project 28 Pty Ltd will implement the following measures:

- ♦ Restrict construction and bulk earthworks works as follows:
 - Monday - Friday: 7am - 6pm;
 - Saturday: 8am - 1pm.
- ♦ Prepare and implement a Noise Management Plan which will include the following measures:
 - contacting occupants of the existing dwellings on the western side of Tweed Coast Road, at the earliest possible time before site work begins and explain the nature of the construction stages and the duration of noisier activities;
 - ensuring all equipment is in good working order and that mobile plant commence work as far from the dwellings as possible in the mornings;
 - locating fixed plant as far from neighbouring property boundaries as possible; and
 - Locating fixed plant behind buildings or materials stockpiles to take advantage of acoustical screening from physical barriers.

11.0 BUSHFIRE

Prior to release of a Subdivision Certificate for each stage of Precinct 5, or an Occupation Certificate for Precinct 1, Project 28 Pty Ltd will implement the strategies outlined in the Bushfire Management Plan, prepared by Bushfiresafe (Aust) Pty Ltd, dated August 2012 in order to meet the requirements of the Planning for Bushfire Protection and section 100B of the *Rural Fires Act 1997*.

12.0 GEOTECHNICAL CONDITIONS

Project 28 Pty Ltd will implement the following to manage the geotechnical conditions of the site:

- ♦ prior to and during the construction works, the recommendations set out in the Geotechnical Assessment, prepared by Cardno Bowler; and
- ♦ prior to, and during, the pre-bulk earthworks, bulk earthworks, landform stabilisation and civil construction phases, the strategies within the Kings Forest Stage 1 Management Plan, Section 4.

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13.0 GROUNDWATER

During all construction phases and operational phases of the development, the proponent will implement the Groundwater Management Plan (August 2012), prepared by Gilbert + Sutherland, in conjunction with the Summary Management Plan (August 2012), also prepared by Gilbert + Sutherland.

14.0 FLOODING

In conjunction with Tweed Shire Council, the State Emergency Service and the Police, Project 28 Pty Ltd will prepare, and seek to incorporate, an evacuation response plan for Kings Forest into the Local Disaster Plan. The Evacuation Response Plan will include alert level one, two, three and activation sequencing and will be finalised prior to the issue of a Subdivision Certificate for the final residential lot in Precinct 5.

15.0 WATER CYCLE MANAGEMENT

To ensure that stormwater run-off is adequately treated, Project 28 Pty Ltd will implement the provisions within the Overall Water Management Plan (August 2012), prepared by Gilbert + Sutherland during all the phases of construction and once the development is operational, as follows:

- For Precinct 5, a system of shallow stormwater management areas (bioinfiltration and vegetated swales) in conjunction with the Stormwater Management Plan, prepared by Gilbert + Sutherland.
- For Precinct 1, treatment before release by means of a treatment train involving installation of:
 - a gross pollutant trap to capture sediment and hydrocarbons from the paved areas; and
 - a rainwater storage tank and use of the stored water for toilet flushing and external uses.

16.0 EROSION AND SEDIMENT CONTROL

The proponent will implement the measures and actions in the Erosion and Sediment Control Plan (August 2012), prepared by Gilbert + Sutherland, during the bulk earthworks, civil construction and operational phases of development.

17.0 PROHIBITION OF CATS (CONCEPT PLAN CONDITION C9)

Project 28 Pty Ltd will arrange for a Section 88B or Section 88E Instrument under the *NSW Conveyancing Act 1919* will be attached to the land title of each residential allotment within Precinct 5 prohibiting the keeping of cats.

18.0 BIODIVERSITY MANAGEMENT PLANS

To protect and manage the biodiversity of the site, Project 28 Pty Ltd will implement (in accordance with the timeframes identified in the plans or any subsequent Planning Agreement) the following Management Plans, which are incorporated into the Kings Forest Stage 1 Management Plan:

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- Section 4 - Summary of Management Plan – Gilbert and Sutherland,
- Section 5 - Flora and Fauna Monitoring Report – James Warren & Associates,
- Section 7 - Koala Plan of Management – James Warren & Associates,
- Section 15 - Buffer Management Plan, Precincts 1 and 5 – James Warren & Associates,
- Section 16 - Buffer Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
- Section 17 - Feral Animal Management Plan – James Warren & Associates,
- Section 18 - Weed Management Plan, Precincts 1 and 5 – James Warren & Associates,
- Section 19 & 20 - Weed Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
- Section 21 - Threatened Species Management Plan, Precincts 1 and 5 – James Warren & Associates,
- Section 22 & 23 - Threatened Species Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
- Section 24 - Vegetation Management Plan, Precincts 1 and 5 – James Warren & Associates,
- Section 25 & 26 - Vegetation Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates.

19.0 SAFE FISH PASSAGE

Project 28 Pty Ltd will arrange for road crossings within SEPP 14 wetlands will be designed to maximise fish passage, in accordance with DPI Guidelines (Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings). Further detail will be provided with the CC application.

20.0 WASTE MANAGEMENT

Project 28 Pty Ltd will arrange for a Waste Management Plan (WMP) to be prepared and submitted for approval prior to the issue of a Construction Certificate.

21.0 STORMWATER KINGS FOREST PARKWAY

Access shall be provided to the proposed shallow stormwater management areas (bioinfiltration and vegetated swales) along the median on Kings Forest Parkway for maintenance by Council during the initial earthworks stages. Details will accompany the Construction Certificate application.

22.0 SURFACE WATER

The proponent will implement the provisions of the Overall Water Management Plan (which includes a Surface Water Management Plan), at **Appendix 10**.

23.0 GROUNDWATER PENETRATION

The applicant will obtain the relevant licences under the Water Act 1912 and the Water Management Act 2000 (whichever is relevant at the time application is made) for all activities that intercept or extract groundwater and surface water prior to commencement of these activities.

24.0 IMPLEMENTATION OF MANAGEMENT PLAN

Project 28 Pty Ltd undertakes to comply with the provisions of the Management Plan at **Appendix 10** of the PPR.

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25.0 ABORIGINAL CULTURAL HERITAGE

Project 28 Pty Ltd will comply with the Cultural Heritage Management Plan approved as part of the Concept Plan (Condition C19)

26.0 ESSENTIAL ENERGY – EASEMENTS

Project 28 Pty Ltd will create appropriate easements over existing power lines subject to negotiation with Essential Energy and NPWS. The easements shall be created on the Plan of Subdivision creating the allotment on which the power lines are located.

27.0 MAINTENANCE OF LANDSCAPING

Project 28 Pty Ltd will maintain lawns and landscaping within widened road reserves within Kings Forest Parkway and Precinct 5 for a period of five years, or until Precinct 5 is 80% built out, whichever occurs first.

28.0 ACOUSTIC FENCE

Project 28 Pty Ltd commits to construct the acoustic fence on Old Bogangar Road, being public land and maintaining it until such time as that road is widened to four lanes, or traffic studies indicate that the volume of traffic on that road requires such widening, or for a period of four years after completion of construction of the fence, whichever is the earlier.