

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Brendon Roberts
Acting Director
Regional Assessments

Sydney 26 November 2019

SCHEDULE 1

Project Approval:	MP 08_0194 granted by the Planning and Assessment Commission on 11 August 2013
For the following:	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 the western site precincts; and - construction of two roads providing access to the southern site precincts; • Plan of Development for Precinct 5; • development of 998 sqm of floorspace for a service station and food and drink premises 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)
Proponent:	Project 28 Pty Ltd.
Approval Authority:	Minister for Planning
The Land:	Kings Forest Estate Lot 76, 272, 323 and 326 of DP 755701; Lot 6 DP 875446;

Lot 2 DP 819015;
Lot 1 DP 706497;
Lot 40 DP 7482;
Lot 38A DP 13727;
Lot 38B DP 13727;
Lot 1 DP 129737;
Lot 1 DP 781633;
Lot 7 DP 875447;
Lot 37A DP 13727,
Lot 2 DP 1159231 (closed road)
Lot 1 DP 1178256 (closed road); and,
Lot 1, 2 & 3 DP 11757616 (closed roads).

Modification:

MP 08_0194 MOD 8: the modification includes:

- Delete Condition 8 regarding development contributions for heavy haulage
- Amend Condition 14 to correct a typographical error
- Amend Condition 23(6) to reduce road pavement widths on certain sections of the Kings Forest Parkway.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part One – Subdivision of Entire Site, Condition 8 is deleted as follows:

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.~~

- (b) Schedule 2 Part One – Subdivision of Entire Site, Condition 14 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:

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)~~ **A12(5)**.

- (c) Schedule 2 Part One – Subdivision of Entire Site, Condition 23 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:

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, **with the exception of those sections of Kings Forest Parkway including intersections that conform with Austroads Standards, shown on Drawing No 12301-SK-122, Amendment A, Mortons Urban Solutions 29 June 2018, and Road Hierarchy and Staging Plan Drawing No 12301-EMAW-005 and 006, Rev A – Mortons Urban Solutions (as submitted with MOD 8), which shall have a minimum pavement width of 7m.** 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 Secretary 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.
- 11) **Prior to the issue of a Construction Certificate for each Stage, the Applicant shall demonstrate that clearances between proposed sewerage infrastructure meets the minimum clearances between sewers and other underground services as outlined in WSA02-2014 Table 5.4. Where standard alignments deviate, final alignment of sewer services are subject to Tweed Shire Council's final approval as the Water and Sewer Authority.**
- 12) **Prior to the issue of a Construction Certificate for each Stage, the Applicant shall demonstrate that clearances between proposed water supply infrastructure shall meet the minimum clearances between sewers and other underground services as outlined in WSA03-2011 Table 5.5. Where standard alignments deviate, final alignment of sewer services are subject to Tweed Shire Council's final approval as the Water and Sewer Authority.**
- 13) **Prior to the issue of a Construction Certificate for each Stage, the Applicant shall demonstrate that minimum cover over proposed water supply and sewerage infrastructure meets the minimum cover over pipelines as outlined in TSC Development Specifications D15 Table 1. Where standard covers deviate, final cover of sewer and water services are subject to Tweed Shire Council's final approval as the Water and Sewer authority.**

End of Modification