

Modification of Project Approval

Section 75W 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
A/Director
Regional Assessments

Sydney 26 November 2019

SCHEDULE 1

- Project Approval:** MP 09_0166 granted by the Planning Assessment Commission on 30 May 2014
- For the following:** Community title residential subdivision comprising:
- 250 residential and 4 medium density lots;
 - 4 public reserves, 1 water reserve site, 1 drainage reserve lot, 1 community lot;
 - Landforming and earthworks;
 - Community recreation facility on Lot 713;
 - Associated roads, stormwater and utility infrastructure.
- Proponent:** Metricon Queensland Pty Ltd
- Approval Authority:** Minister for Planning
- The Land:** Fraser Drive, Terranora (Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490 and Lots 40 and 43 DP 254416)
- Modification:** **MP 09_0166 MOD 3:** the modification includes:
- increasing the extent of bulk earthworks;
 - construction of a roundabout at the intersection of Parkes Lane (Road 10), Townsend Crescent (Road 12) and future Road 15;
 - amendments to the subdivision lot layout; and
 - revisions to the project staging.

SCHEDULE 2

The consent is modified as follows:

- (a) Schedule 2 Part A1 – Condition A1 Project Description is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A1 Project Description

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

- 1) Subdivision of Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490, Lots 40 & 43 DP 254416 Fraser Drive Terranora;
 - 2) Creation of 251 residential housing lots;
 - 3) Creation of 5 medium density lots comprising Lot 701, Lot 711, Lot ~~713~~**712**, Lot ~~925~~**1008** and Lot ~~926~~**1009**;
 - 4) Creation of ~~5~~**3** open space lots for public recreation comprising Lot ~~451~~**454**, Lot 713, **and** Lot 819 ~~and Lot 1001~~;
 - 5) Creation of ~~4~~**2** drainage reserves, comprising Lot 610 **and Lot 146**;
 - 6) Dedication of land for a Water Pressure Boosting Pumping Station and Sewage Pump Station to Council;
 - 7) Construction of roads, footpaths, access driveways, earthworks and drainage infrastructure; and
 - 8) Dedication of land for roads, public parks and public infrastructure to Council.
- (b) Schedule 2 Part A2 – Condition A2 Staging is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A2 Staging

The project is to be constructed in ~~ten (10)~~ **fifteen (15) stages**, generally in accordance with the 'Plan Showing Existing topography and Proposed Subdivision Layout' dated ~~18 July 2013~~**13 March 2019**, prepared by B & P Surveys Revision ~~DO~~ (Drawing No 18779B), incorporating the lots as follows:

- (1) Stage 1 comprises residential lots 101 - 143 inclusive, dedication of land for a Sewage Pump Station to Council, **and a drainage reserve and residue Lot 144** and construction of roads and infrastructure;
- (2) Stage 2 comprises residential lots 201 - 228 inclusive, incorporating roads and infrastructure;
- (3) Stage 3 comprises residential lots 301 – 324 inclusive, incorporating roads and infrastructure;
- (4) Stage 4A comprises residential lots 401 – 450 **427** inclusive, ~~public reserve on Lot 451~~ and incorporating roads and infrastructure;
Stage 4B comprises residential lots 428 – 453 inclusive, public reserve on Lot 454 and incorporating roads and infrastructure;
- (5) Stage 5 comprises residential lots 501 – 524 **521** inclusive, incorporating roads and infrastructure;
- (6) Stage 6A comprises residential lots 601 – 610 **609** inclusive, ~~drainage reserve on Lot 610~~ and incorporating roads and infrastructure;
Stage 6B comprises a drainage reserve on Lot 610 and incorporating roads and infrastructure;

- (7) ~~Stage 7A~~ comprises residential lots ~~702~~**701** – ~~713~~**710** inclusive, ~~3~~**1** medium density residential lots 701, 711 and 712, public reserve on Lot 713, and incorporating roads and infrastructure;

Stage 7B comprises 2 medium density residential lots 711 and 712, public reserve on Lot 713 and incorporating roads and infrastructure;

- (8) ~~Stage 8A~~ comprises residential lots 801 – ~~818~~**814** and lots 820 – 841 inclusive, public reserve on Lot 819 and incorporating roads and infrastructure;

Stage 8B comprises residential lots 815 – 820 inclusive of public reserve on Lot 819 and incorporating roads and infrastructure;

- (9) ~~Stage 9~~ comprises residential lots 901 – ~~924~~**918** inclusive, 2 medium density residential lots ~~925 and lot 926~~ and incorporating roads and infrastructure; and

- (10) ~~Stage 10~~ comprises the public reserve on Lot ~~residential lots 1001 – 1009 inclusive,~~ **2 medium density residential lots 1008 and 1009** and incorporating roads and infrastructure;.

- (11) **Stage 11 comprises residential lots 1101 – 1120 inclusive and incorporating roads and infrastructure.**

Subject to any conditions of approval, staging of allotment and/or road construction may vary in sequence and timing. Essential infrastructure associated with and including, but not limited to, roads, roundabouts, bus routes, footpaths, parks, services, landscaping and environmental management, shall be constructed as specified in the staging listed above or as otherwise provided in these conditions and the proponent's Statement of Commitments.

Any revised staging plan that varies the stage boundaries or components listed in (1) – ~~(10)~~**(11)** inclusive, shall be submitted for the approval of the Secretary, prior to the issuing of a Construction Certificate for subdivision works.

- (c) Schedule 2 Part A – Condition A3 Project in Accordance with Plans is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

A3 Project in Accordance with Plans

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

- a) Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd dated December 2010;
- b) Preferred Project Report prepared by Darryl Anderson Consulting Pty Ltd dated April 2013;
- c) Addendum to the PPR prepared by Darryl Anderson Consulting Pty Ltd dated October 2013;
- d) Modification Report – Major Project Approval No. 09_0166 Proposed Residential Subdivision, “Altitude Aspire” Fraser Drive, Terranora, prepared by Darryl Anderson Consulting Pty Ltd and dated February 2015 (MOD 1); and
- e) Modification Report – Major Project Approval No. 09_0166 Proposed Residential Subdivision, “Altitude Aspire” Fraser Drive, Terranora, prepared by Darryl Anderson Consulting Pty Ltd and dated September 2015 (MOD 2).
- f) **Modification Report – Major Project Approval No. 09_0166 Proposed Residential Subdivision, “Altitude Aspire” Fraser Drive, Terranora, prepared by DAC Planning Pty Ltd and dated February 2018 (MOD 3).**

g) Response to Submissions Report MP09 0166 MOD3 prepared by DAC Planning Pty Ltd and dated July 2018

and the following drawings, except where varied by the conditions of this approval:

Subdivision Layout Plans prepared by B & P Surveys, Reference No T15263			
Drawing No.	Revision	Name of Plan	Date
18779B	<u>HO</u>	Plan Showing Existing Property Descriptions and Tweed Local Environmental Plan 2000 & 2014 - Zonings (Sheet 1)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Existing Topography & Proposed Subdivision Layout (Sheet 2)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 3)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 4)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 5)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 6)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 7)	14 September 2015 13 March 2019
18779B	<u>HO</u>	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 8)	14 September 2015 13 March 2019
18779B	I	Locality/Context Plan	10 July 2013
Density and Structural Systems Plans prepared by Local Office Architecture, Project No 130300			
Drawing No.	Revision	Name of Plan	Date
SK.0001	C	Density Projection Plan	March 2013
SK.0002	<u>D</u>	Structural Systems Plan	March 2013 29 June 2018
SK.0003	A	Display Village Plan	July 2013
SK.0004	B	Medium Density – Lot 926	March 2013
SK.0005	B	Medium Density – Lot 925	March 2013
SK.0006	A	Medium Density – Lot 711	March 2013
SK.0007	A	Medium Density – Lot 701	March 2013
SK.0008	B	Solar Orientation Plan	March 2013
<u>SK.0009</u>	<u>A</u>	<u>Medium Density Lot 712</u>	<u>February 2015</u>
Engineering Drawings prepared by Bradlees Civil Consulting, Project No 09-374			
Drawing No.	Revision	Name of Plan	Date
SK3628	E	Road Hierarchy Plan	3 July 2013
SK3586 - SK3646 - <u>3590</u> (inclusive)	B	Road Plans – road longitudinal, long and cross sections	7 January 2013

SK3659 <u>3595-</u> SK36087	B	Road Plans – road longitudinal, long and cross sections	7 January 2013
SK3608	C	Road 9 Longitudinal Section	9 July 2019
SK312- SK 3616	B	Road Plans – road longitudinal, long and cross sections	7 January 2013
SK3963, SK3965, SK3966, SK3967	A	Road Plans – road longitudinal, long and cross sections	7 January 2013
SK3562	E	Ultimate Earthworks Phasing Plan	4 July 2013
SK2604	F	Cut/Fill Plan (Sheet 1)	4 July 2013
SK2605	F	Cut/Fill Plan (Sheet 2)	4 July 2013
SK3507	D	Earthworks Layout (Sheet 1)	15 May 2013
SK3508	D	Earthworks Layout (Sheet 2)	15 May 2013
SK3527	D	Earthworks Layout (Sheet 3)	9 April 2013
SK3528	D	Earthworks Layout (Sheet 4)	9 April 2013
SK3529	C	Earthworks Layout (Sheet 5)	27 Feb 2013
SK3635	D	Earthworks Sections Layout	16 May 2013
SK3636	B	Earthworks Cross Sections (Sheet 1)	7 January 2013
SK3637	B	Earthworks Cross Sections (Sheet 2)	7 January 2013
SK3638	C	Earthworks Cross Sections (Sheet 3)	21 May 2013
SK3639	C	Earthworks Cross Sections (Sheet 4)	16 May 2013
SK3640	C	Earthworks Cross Sections (Sheet 5)	9 April 2013
SK3641	C	Earthworks Cross Sections (Sheet 6)	9 April 2013
SK3642	C	Earthworks Cross Sections (Sheet 7)	9 April 2013
SK3643	C	Earthworks Cross Sections (Sheet 8)	9 April 2013
SK4032	A	Existing Boundary Tie In	15 March 2013
SK3626	C	Water Quality Treatment Areas	25 Feb 2013
SK3618	D	Central Open Drain Swale Plan	9 April 2013
SK4038	B	Central Open Drain Swale Bund	17 April 2013
SK3619	B	Central Open Drain Swale Long Section	25 Feb 2013
SK3620	C	Central Open Drain Swale Cross Sections (Sheet 1)	25 Feb 2013
SK3621	C	Central Open Drain Swale Cross Sections (Sheet 2)	25 Feb 2013
SK3622	C	Central Open Drain Swale Cross Sections (Sheet 3)	25 Feb 2013
SK3623	C	Central Open Drain Swale Cross Sections (Sheet 4)	25 Feb 2013
SK3624	C	Central Open Drain Swale Cross Sections (Sheet 5)	25 Feb 2013

SK3625	C	Central Open Drain Swale Cross Sections (Sheet 6)	25 Feb 2013
<u>SK6596</u>	<u>D</u>	<u>Proposed Staging Updates</u>	<u>26 March 2019</u>
<u>SK6622</u>	<u>C</u>	<u>Areas of Proposed Changes for Consent Modification 3</u>	<u>26 March 2019</u>
<u>SK4554</u>	<u>F</u>	<u>Road Names Plan</u>	<u>6 July 2018</u>
<u>SK6460</u>	<u>B</u>	<u>Extent of Mawsons Peak Blvd - Townsend Crescent Roundabout Works</u>	<u>6 July 2018</u>
<u>SK3618/1</u>	<u>H</u>	<u>Central Open Drain Swale Plan - Sheet 1 of 3</u>	<u>26 March 2019</u>
<u>SK3618/2</u>	<u>H</u>	<u>Central Open Drain Swale Plan - Sheet 2 of 3</u>	<u>26 March 2019</u>
<u>SK3618/3</u>	<u>H</u>	<u>Central Open Drain Swale Plan - Sheet 3 of 3</u>	<u>26 March 2019</u>
<u>SK3619</u>	<u>E</u>	<u>Central Open Drain Swale Long Section</u>	<u>26 March 2019</u>
<u>SK3620</u>	<u>F</u>	<u>Central Open Drain Swale Cross Sections Sheet 1 of 6</u>	<u>26 March 2019</u>
<u>SK3621</u>	<u>F</u>	<u>Central Open Drain Swale Cross Sections Sheet 2 of 6</u>	<u>26 March 2019</u>
<u>SK3622</u>	<u>F</u>	<u>Central Open Drain Swale Cross Sections Sheet 3 of 6</u>	<u>26 March 2019</u>
<u>SK3623</u>	<u>F</u>	<u>Central Open Drain Swale Cross Sections Sheet 4 of 6</u>	<u>26 March 2019</u>
<u>SK3624</u>	<u>F</u>	<u>Central Open Drain Swale Cross Sections Sheet 5 of 6</u>	<u>26 March 2019</u>
<u>SK3625</u>	<u>F</u>	<u>Central Open Drain Swale Cross Sections Sheet 6 of 6</u>	<u>26 March 2019</u>
<u>SK3626</u>	<u>F</u>	<u>Water Quality Treatment Areas</u>	<u>26 March 2019</u>
<u>SK3487</u>	<u>F</u>	<u>Box Culvert Sections</u>	<u>6 February 2019</u>
<u>SK4038</u>	<u>E</u>	<u>Central Open Drain Swale Bund</u>	<u>26 March 2019</u>
<u>SK6524</u>	<u>D</u>	<u>West Boundary Earthworks Extent</u>	<u>23 January 2019</u>
<u>SK6525</u>	<u>C</u>	<u>West Boundary Roads Cross Sections Extent Sheet 1 of 4</u>	<u>6 July 2018</u>
<u>SK6526</u>	<u>C</u>	<u>West Boundary Roads Cross Sections Extent Sheet 2 of 4</u>	<u>6 July 2018</u>
<u>SK6527</u>	<u>B</u>	<u>West Boundary Roads Cross Sections Extent Sheet 3 of 4</u>	<u>6 July 2018</u>
<u>SK6528</u>	<u>C</u>	<u>West Boundary Roads Cross Sections Extent Sheet 4 of 4</u>	<u>26 March 2019</u>
<u>SK3617</u>	<u>H</u>	<u>Retaining Wall Layout</u>	<u>26 March 2019</u>
<u>SK3591</u>	<u>C</u>	<u>Road 2 (Market Parade) Cross Sections Sheet 1 of 5</u>	<u>24 July 2018</u>
<u>SK3592</u>	<u>C</u>	<u>Road 2 (Market Parade) Cross Sections Sheet 2 of 5</u>	<u>24 July 2018</u>

<u>SK3593</u>	<u>C</u>	<u>Road 2 (Market Parade) Cross Sections Sheet 3 of 5</u>	<u>24 July 2018</u>
<u>SK3594</u>	<u>C</u>	<u>Road 2 (Market Parade) Cross Sections Sheet 4 of 5</u>	<u>24 July 2018</u>
<u>SK3609</u>	<u>C</u>	<u>Road 10 (Mawsons Peak Blvd & Parkes Lane) Longitudinal Section</u>	<u>24 July 2018</u>
<u>SK3610</u>	<u>C</u>	<u>Road 10 (Mawsons Peak Blvd) Cross Sections Sheet 1 of 2</u>	<u>24 July 2018</u>
<u>SK3611</u>	<u>C</u>	<u>Road 10 (Mawsons Peak Blvd & Parkes Lane) Cross Sections - Sheet 2 of 2</u>	<u>24 July 2018</u>
SK3631	C	Stormwater Layout (Sheet 1)	16 May 2013
SK3632	D	Stormwater Layout (Sheet 2)	16 May 2013
SK3487	C	Bebo Culvert Sections	9 April 2013
SK3633	B	Water Layout (Sheet 1)	7 January 2013
SK3634	C	Water Layout (Sheet 2)	9 April 2013
SK3629	C	Sewer Layout (Sheet 1)	16 May 2013
SK3630	D	Sewer Layout (Sheet 2)	16 May 2013
SK3647	C	Stages 1,2 and 3 Services (Sheet 1)	16 May 2013
SK3648	D	Stages 1,2 and 3 Services (Sheet 2)	16 May 2013
<u>SK6978</u>	<u>A</u>	<u>Lot 610 Sewer Reticulation Plan and Trunk Sewer Long Section</u>	<u>26 March 2019</u>
Traffic and Roads Drawings prepared by Bitzios Consulting (Revised Altitude Aspire Transport Assessment), Project No 09-374			
Drawing No.	Revision	Name of Plan	Date
Figure 6.3	-	Bus Stop locations Plan	8 April 2013
Landscape Drawings prepared by Form Landscape Architects, Project No 100906, DA09 dated 11 February 2015			
Drawing No.	Revision	Name of Plan	Date
Figure 1	-	Landscape Master Plan	11 February 2015 <u>1 May 2019</u>
Figure 2	-	Landscape Structure	11 February 2015 <u>1 May 2019</u>
Figure 3	-	Circulation Network	11 February 2015 <u>1 May 2019</u>
<u>Figure 4</u>	<u>:</u>	<u>Casual Open Space Compliance Areas</u>	<u>1 May 2019</u>
-	-	Fence Types <u>and Balustrades</u>	11 February 2015 <u>1 May 2019</u>
<u>:</u>	<u>:</u>	<u>Fence Types</u>	<u>1 May 2019</u>
-	-	Community Park Node	11 February 2015 <u>1 May 2019</u>
-	-	Landscape Sections 1 - <u>3 (2 sheets)</u> 10 and 12 - 15 inclusive	11 February 2015 <u>1 May 2019</u>

-	-	<u>Landscape Sections 4 – 10 (4 sheets)</u>	<u>1 May 2019</u>
-	-	Drainage Corridor and Wetlands <u>Central Drainage Reserve</u>	11 February 2015 <u>1 May 2019</u>
-	-	Pocket Park 1	11 February 2015 <u>1 May 2019</u>
-	-	Pocket Park 2	11 February 2015 <u>1 May 2019</u>
-	-	Fraser Drive Entry	11 February 2015 <u>1 May 2019</u>
-	-	<u>Sections 11 – 12 (2 sheets)</u>	<u>1 May 2019</u>
-	-	Planting Palette (<u>2 sheets</u>)	11 February 2015 <u>1 May 2019</u>
Hydrological and Hydraulic Plans prepared by Gilbert & Sutherland dated 19 April 2013, Project No 10849			
Drawing No.	Revision	Name of Plan	Date
203	-	Proposed Development	19 April 2013
204	-	Existing Sub-catchments and WBNM model layout	19 April 2013
205	-	Developed sub-catchments and WBNM model layout	19 April 2013
206	-	Base Case Sobek model layout	22 April 2013
207	-	Developed Case Sobek model layout	23 April 2013
208	-	100 year ARI Developed Case Flood inundation	22 April 2013
Stormwater Plans prepared by Gilbert & Sutherland dated 17 April 2013, Project No 10849			
Drawing No.	Revision	Name of Plan	Date
103	-	Proposed Development	17 April 2013
104	-	Developed Case Catchment Plan and Drainage Detail	17 April 2013
105	-	Stormwater Quality Treatment Measures	17 April 2013
106	-	Bioretention Basin Typical Detail	22 April 2013

- (d) Schedule 2 Part A – Condition A4 Project in Accordance with Documents is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A4 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents except where varied by the conditions of this approval:

- (1) *Environmental Assessment Report* dated September 2010, as revised December 2010 prepared by Darryl Anderson Consulting Pty Ltd;
- (2) *Preferred Project Report/Response to Submissions* prepared by Darryl Anderson Consulting Pty Ltd dated April 2013 and PPR Addendum dated August 2013 and October 2013;

- (3) *Cultural Heritage Assessment* prepared by Everick Heritage Consultant Pty Ltd dated March 2012; **and supplementary Aboriginal Cultural Heritage Report prepared by Everick Heritage Consultants Pty Ltd dated July 2018;**
- (4) *Acoustic Report* prepared by Sound matters ttm, Reference No 11GCA0048 R01 ~~79~~ dated ~~8 April 2013~~ **November 2017;**
- (5) *Stormwater Assessment and Management Plan* prepared by Gilbert & Sutherland dated April 2013;
- (6) *Revised Ecological Assessment* prepared by JWA Pty Ltd Ecological Consultants dated April 2013, Job No N09031/EA/2013/Rw7 and Addendum to the Ecological Assessment prepared by JWA Pty Ltd dated August 2013;
- (7) *Revised Vegetation Management and Rehabilitation Plan* prepared by JWA Pty Ltd Ecological Consultants dated April 2013, Job No N09031/VMRP/2013/MJ1;
- (8) *Preferred Project Report (Revised)* for MP 09_0166 for Altitude Aspire Terranora (Engineering) prepared by Bradlees Civil Consulting dated March 2013 (Job No 09-374 Altitude Aspire and *Response to DOP Outstanding Issues* in Addendum to PPR.
- (9) *Amended Biting Insect Management Plan* prepared by HMC Environmental Consulting Pty Ltd dated April 2012, Report No 2012.045;
- (10) *Bushfire Assessment Report* prepared by Bushfire Safe (Australia) Pty Ltd dated March 2012 **and the Bush Fire Hazard Assessment prepared by Bushfire Certifiers dated 26 June 2018 (amended Rev F, 19 July 2019);**
- (11) *Altitude Aspire Revised Transport Assessment* prepared by Bitzios Consulting dated 8 April 2013, Version 002 Project No P1197;
- (12) *Acid Sulphate Soil Assessment and Management Plan* prepared by Gilbert & Sutherland dated April 2012, Ref No 10849_ASS&MP;
- (13) *Hydrological and Hydraulic Assessment* prepared by Gilbert & Sutherland dated April 2013 (Revision 2), Ref No 10849 HHA;
- (14) *Soil Contamination Assessment* for 'Area E' Properties Terranora dated October 2003, prepared by Gilbert & Sutherland Pty Ltd;
- (15) *Sampling, Analysis and Quality Plan* prepared by Gilbert & Sutherland dated October 2013 (Revision 3), Ref No 10849_SAQP_RZ1F.docx;
- (16) *Remediation Action Plan*, prepared by Gilbert & Sutherland dated October 2013 (Revision 3), Ref No 10849_RAP_RZ1F.docx;
- (17) *Section B Site Audit Statement* prepared by Marc Salmon dated 15 October 2013, Ref 14003 (Site Audit Statement – 0103 – 1301);
- (18) *Interim Site Audit Advice* prepared by Marc Salmon dated 9 August 2013;
- (19) *Soil Preservation Management Plan* prepared by Gilbert & Sutherland Pty Ltd dated April 2013 (Ref 10849_SPMP_RMF);
- (20) *Broad Geotechnical Engineering Assessment* prepared by Morrison Geotechnic Pty Ltd dated November 2010; and
- (21) Modification Report – Major Project Approval No. 09_0166 Proposed Residential Subdivision, "Altitude Aspire" Fraser Drive, Terranora, prepared by Darryl Anderson Consulting Pty Ltd and dated February 2015; and
- (22) Modification Report – Major Project Approval No. 09_0166 Proposed Residential Subdivision, "Altitude Aspire" Fraser Drive, Terranora, prepared by Darryl Anderson Consulting Pty Ltd and dated September 2015.;

- (23) Modification Report – Major Project Approval No. 09 0166 Proposed Residential Subdivision, “Altitude Aspire” Fraser Drive, Terranora, prepared by DAC Planning Pty Ltd and dated February 2018;
- (24) Response to Submissions Report, DAC Planning Pty Ltd, July 2018. Excluding the Macadamia Tetraphylla Translocation Plan, JWA Pty Ltd, November 2018;
- (25) Response to Tweed Shire Council RFI Letter dated 27 September 2018, DAC Planning Pty Ltd, 2 May 2019;
- (26) Response to Tweed Shire Council Letter dated 19 June 2019, DAC Planning Pty Ltd, 26 July 2019 (Mod 3) including:
- i) Letter from JWA Pty Ltd to Newland Developers Pty Ltd, dated 26 July 2019, regarding Tweed Shire Council and OEH submission;
 - ii) Revised Macadamia Tetraphylla Translocation Plan, JWA dated, 24 July 2019;
 - iii) Revised Ecological Assessment, Burchills, July 2019;
 - iv) Amended Biodiversity Development Assessment Report, (BDAR), JWA Pty Ltd, Ecological Consultants, 24 July 2019.
- (27) Bioretention Basin and Drainage Reserve Design, Report Ver.4 prepared by BIOME, dated March 2019.
- (e) Schedule 2 Part A – Condition A10 Limits of Approval is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

A10 Limits of Approval

This approval does not approve the construction of any dwellings, medium density developments. Separate approvals must be obtained, if required by the EP&A Act.

This approval also does not approve the construction of the proposed retaining walls proposed to create terraced lots in the eastern portion of the site bounded by Proposed Road No 8 to the north, Road 5 to the east, Road 1 and a small section of Road 2 in the south and Road 8 to the west, ~~including any inter allotment retaining walls to create terraced lots~~, as outlined on the ‘Retaining Wall Layout Plan’ Revision ~~E~~ **H** prepared by Bradlees Civil Consulting dated **26 May 2019** ~~16 May 2013~~.

- (f) Schedule 2 Part B – after Condition B8, new Conditions B8A to B8G are inserted in **bold and underline** as follows:

B8A

Updated Sewer Layout Plan shall be submitted and approved by Tweed Shire Council where sewerage infrastructure is proposed to be relocated as a result of retaining walls.

B8B

Where the proposed stormwater drainage infrastructure is proposed in the same location as the future sewer trunk main to the west of the sewer pump station, detailed plans shall be submitted and approved by Tweed Shire Council demonstrating that it shall not impact the sewerage infrastructure. Stormwater drainage infrastructure such as bunds and filtration systems shall not be constructed within the 5m sewer trunk easement.

B8C

Where retaining walls are proposed on boundaries parallel to proposed sewerage infrastructure, sewer easements shall be a minimum of 4.0 meters wide, or larger if other services are also proposed within the easement.

B8D

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

B8E

Prior to Construction Certificate plans shall be provided to the Water Authority to demonstrate that the retaining wall structures meet the Tweed Shire Council Development Design Specification D15 – Work in Proximity. Plans shall show that the existing footings are located a minimum of one metre from the proposed sewer infrastructure.

B8F

Works in the vicinity of public infrastructure must comply with the following requirements:

- i) No portion of any structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
- ii) Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability.
- iii) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, asphalt or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the pipe in the event of pipe excavation or other maintenance works.
- iv) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted to be planted within the sewer easement or within one metre of the sewer if no easement exists, to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

B8G

To ensure adequate access to the SPS lot, construction of any stormwater infrastructure adjacent to the SPS in Lot 610 shall not commence until the completion of the SPS Control Building works.

- (g) Schedule 2 Part B – Condition B18 Retaining Walls is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

B18 Retaining Walls

Subject to other conditions of this approval, all retaining walls and batters shall be designed in accordance with Tweed Shire Council's *Development Design Specification D6 - Site Regrading*. Permissible retaining wall and batter heights are specified in Table D6.1. Boundary retaining walls and batters shall be constructed with a minimum boundary setback of 0.9m in accordance with clause D6.05.6(c) of *Development Design Specification*

D6 - Site Regrading. The only locations where a setback variation is permitted are Lot 701 and the road frontage boundaries of Lots 812, 918 and 1001.

- (h) Schedule 2 Part B – Condition B22 Construction Environmental Management Plan is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

B22 Construction Environmental Management Plan

- 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). **The relevant recommendations contained in the Aboriginal Cultural Heritage Report prepared by Everick Heritage Consultants Pty Ltd dated July 2018, should be addressed in the CEMP.**
 - k) A subset of the following management plans:
 - (i) traffic and pedestrian management (see condition B24);
 - (ii) noise and vibration management (see conditionB25);
 - (iii) construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see conditionB23); (iv) erosion and sediment control for the entire site (see condition B26); (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.
- (i) Schedule 2 Part B – Condition B38 Corner truncations in the local street network is deleted as follows:

~~B38 Corner truncations in the local street network~~

~~Standardised 3m x 3m corner truncations in the local street network as nominated in Council's specification D1 – Road Design – Section D1.17.14 & 15 should be provided rather than the rounded corners as shown on the subdivision plan. Designs are to be shown on the Construction Certificate plans for the relevant stages to improve design compliance issues especially with regard to reticulated sewer infrastructure.~~

- (j) Schedule 2 Part B – Condition B39 Roads is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

B39 Roads

- 1) Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads.
- 2) All roads shall be designed in accordance with the Council's *Development Design Specification D1 Road Design*. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works for each stage of the project.
- 3) **All roundabouts are to comply with the requirements of Austroads Guide to Road Design Part 4B: Roundabouts**

- (k) Schedule 2 Part B – Condition B46 Detailed Landscape Plan is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

B46 Detailed Landscape Plan

- 1) A detailed landscape plan prepared by a qualified landscape architect must be submitted for all Public Reserves and roads to be dedicated to Council, including but not limited to areas of casual open space, structured open space, cycleways, pedestrian walkways and streetscapes.
- 2) Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council prior to the issue of the Construction Certificate for each relevant stage and include embellishments such as listed in Councils Subdivision Manual (*Section A5 of the Tweed Development Control Plan*) and *Development Design Specification (D14)* and related Standard Drawings and include grassing, landscaping, seating, park activation areas, playground equipment and shade cover. The plans must provide slope information, indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.
- 3) The plans must also specifically address the following issues/requirements:
 - a) An 'informal youth recreation space" as defined by the Tweed Youth Strategy and Action Plan", to be incorporated into the Neighbourhood Park design for Lot 712 **713**, in consultation with Council's Recreation Services Unit.;
 - b) The public open space area on Lot 451**454** is to be linked through design with the adjoining public land, and must address the vision and objectives of the Area E Urban Release Development Code: Section 2.7 Design Principle 5: Open Space;
 - c) The final landscape design for Lot 610 (**proposed drainage reserve**) consider the following to the satisfaction of the Council:-
 - Design and construction of the embellishments are to minimise maintenance costs (construction materials should include recycled plastic wherever possible, and any timber that is unavoidable is to be painted rather than stained).
 - Safety and security of the turf area and shelter shed (being remote from the street) is to be maximised through the landscape design; and

- d) The final landscape plan for the public open space area at Lot 819 is to ensure that all turf areas that require mowing do not exceed a slope of 1.5 or 20%. The plan will also contain cross sections of the park that show the view lines over the surrounding houses.
 - e) The final landscape plan must identify the location of all water supply and sewerage discharge points within each public open space reserve.
 - f) The final landscape plan must ensure that there are no signage walls or stone walls within the Fraser Drive road reserve.
- (l) Schedule 2 Part B – Condition B49 Bushfire Management is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

B49 Bushfire Management

The site shall be managed in accordance with the *Bushfire Assessment Report* prepared by Bushfire Safe (Australia) Pty Ltd dated March 2012 **and the Report prepared by Bushfire Certifiers dated 19 July 2019 addressing the amended central drainage corridor design (MOD 3)**. The entire site, including reserves on Lots 451454, 712 ~~and 640~~, and excluding Lot ~~4004~~**146 DP 1233026**, shall be managed as an inner protection area (IPA) as outlined within Appendix 2 and 5 of *Planning for Bushfire Protection (2006)* and the NSW Rural Fire Service document '*Standards for Asset Protection Zones*'. **The central drainage corridor Lot 610 is to have a landscape plan provided with the following requirements to be assessed and approved by Council:**

- a) **All vegetation is to be high moisture rainforest species in accordance with Appendix 5 PBP2006.**
- b) **The near surface and elevated fuels are not to exceed a height of 300mm with species selection nominated on the plans.**

- (m) Schedule 2 Part E – Condition E6 Sectopm 94 Contributions- Heavy Haulage is deleted as follows:

~~E6 Section 94 Contributions – Heavy Haulage~~

~~Payment of the following contributions for each relevant stage pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* and the relevant Section 94 Plan.~~

~~Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.~~

~~These charges will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates as indexed under the relevant Section 94 Plan current at the time of the payment.~~

~~A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.~~

Heavy Haulage Component

~~Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of *Tweed Road Contribution Plan No. 4 – Version 5* prior to the issue of the subdivision certificate is required. The contribution shall be based on the following formula:-~~

~~$$\text{\$Con TRCP – Heavy} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$~~

~~where:~~

\$Con TRCP – Heavy	=	heavy haulage contribution and:
Prod	=	projected demand for extractive material to be hauled to the site over life of project in tonnes
Dist	=	average haulage distance of product on Shire roads (trip one-way)
\$Unit	=	the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)
Admin	=	Administration component – 5% – see Section 6.6

- (n) Schedule 2 Part E – Condition E13 Creation of Easements is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

E13 Creation of Easements

The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the *Conveyancing Act 1919* including (but not limited to) the following:

- a) Easements for sewer, water supply and drainage over ALL public services/infrastructure on private property.
- b) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire Protection 2006" Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the *Rural Fires Act 1997* are enforced in perpetuity.
- c) Extinguishment of superfluous Right of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public, but are now no longer required.
- d) A *Restriction As To User* requiring the provision of a minimum capacity 5kL rainwater tank for all single dwelling allotments, in accordance with the requirements of Council.
- e) A *Restriction As To User* over Lot ~~811~~**1106** requiring the provision and construction of a designated off-street parking space, in conjunction with the construction of any dwelling on the site.
- f) A *Restriction as to user* requiring a timber screen fence with wire mesh unit to provide 'green walls' along the rear of lots adjoining Fraser Drive with planting in Council's road reserve as provided in the Landscape Masterplan prepared by Form Landscape Architects dated ~~12 August 2013~~**1 May 2019**.
- g) A *Restriction as to user* requiring fencing along the rear of medium density lot 701 adjoining public open space and drainage reserve areas to be a an aluminum and timber (open form) fence with screen planting and adjoining cycle path as provided in the Landscape Masterplan prepared by Form Landscape Architects dated ~~12 August 2013~~**1 May 2019, and requiring a 5 m boundary setback for Lot 701 as required by Bushfire Hazard Assessment prepared by Bushfire Certifiers, Rev. F dated 19 July 2019.**
- h) A *Restriction as to user* requiring the future homes on lots to be responsive to the slope of the block. The restriction should specifically list all ~~254~~**251** residential lots and detail what slope category the allotments fall within (having regard to the revised Structural Systems Plan required by Condition B9 of this approval (to replace the Structural Systems Plan as prepared by Local Office Architecture Version SK.0002 and dated ~~March 2013~~**29 June 2019** Issue ~~D-1~~)). Each lot will be burdened to construct a house typology based on the below indicative Structural System dependant on slope.
- i) The keeping of cats (with the exception of assistance animals, as defined under the *Commonwealth Disability Discrimination Act 1992*) within the site is prohibited.
- j) The following Restriction on Title is to be imposed on all residential lots created that

are adjacent to Fraser Drive:

'Future dwellings on noise affected lots identified in the Acoustic Report (Lots 122-142 and Lots 201-205 and Lots 301-304 and Lot 324) prepared by TTM (ttm ref: ~~11GCA0048 RO1_7~~**11GCA0048 RO1_9**) dated ~~April 2013~~**November 2017** are to be designed in accordance with the procedures of Australian Standard AS3671:1998 'Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction' to achieve the internal sound levels outlined in SEPP (Infrastructure) 2007 - Regulation 102 which are reproduced in Section 4.2 of the TTM report. Purchasers of noise affected lots will be responsible for obtaining an Acoustic Assessment from an Acoustic Consultant and shall construct their dwellings in accordance with the recommendations contained in the assessment report.'

- k) A 5 metre wide 'Restriction on Use' to be imposed on all lots abutting Fraser Drive (except lots 139 and 140) excluding any buildings within the rear 5 metres of the lots, ensuring a 5 metre wide landscape buffer is achieved along the rear of the proposed lots; and
- l) Creation of an appropriate easement over the existing sewer rising main that currently traverses the northern portion of the site.
- m) A restriction as to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall. Each lot burdened and or benefited by a Type 1 wall as defined in AS4678- 2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard. The Council is to be nominated as the authority empowered to release, vary or modify the restrictions.
- n) **Where retaining walls are proposed to be parallel to the sewer and stormwater infrastructure, easements will be required to increase by a 1m width.**

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 are to share costs equally or proportionally on an equitable basis.

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.

- (o) Schedule 2 Part E – Condition E14 Bushfire Certification is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

E14 Bushfire Certification

Prior to the issue of any Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the Certifying Authority, confirming that the works have been undertaken in accordance with the *Bushfire Assessment Report* prepared by Bushfire Safe (Australia) Pty Ltd dated March 2012, **and the Report prepared by Bushfire Certifiers, Rev. F dated 19 July 2019** and the conditions of this approval.

- (p) Schedule 2 Part E – Condition E30 Maintenance of Streetscapes and Casual Open Space is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

E30 Maintenance of Streetscapes and Casual Open Space

The developer is to undertake care and maintenance operations on all streetscapes, casual open space and structured open space for a minimum of 24 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.

- (q) Schedule 2 Part E – Condition E34 Dedication of Drainage Reserve is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

E34 Dedication of Drainage Reserve

The proponent shall:

- a) Dedicate the proposed drainage reserve on Lot 610 at no cost to Council upon registration of the Plan of Subdivision for ~~each relevant stage~~ **Stage 6**.
 - b) 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.
- (r) Schedule 2 Part E – Condition E34 Dedication of Drainage Reserve is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

E35 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and (~~excluding constructed roads within the Community Title Lot~~) are to be dedicated to Council as public roads upon registration of the Plan of Subdivision for each stage of the project. Upon dedication and at the end of the defects liability period Council will be responsible for the on-going maintenance of the roads.

- (s) Schedule 2 Part E – new Condition E36 Rough-shelled bush-nut is inserted in **bold and underline** as follows:

Biodiversity

E36 *Rough-shelled bush-nut*

Prior to the issue of a Subdivision Works Certificate for bulk earthworks in Lot 1 DP 175234 (the land west of proposed Road 12) the following requirements shall be complied with to the satisfaction of the Department of Planning, Industry and Environment (Biodiversity and Conservation Division (BCD)):

- a) **A further survey be undertaken to determine the precise numbers of each *Macadamia* species to be impacted by the proposal and that voucher specimens be sent to the NSW Herbarium for a DNA analysis to confirm whether they are *M. tetraphylla*, *M. integrifolia* (as a wild population) or a hybrid.**
- b) **The results of the further survey and investigation required under sub-clause (a) are to be used to best address how any impacts can be avoided, mitigated and offset, with all such information provided to the BCD for further comment.**
- c) **Any losses of *M. tetraphylla* must be fully offset.**
- d) **The satisfactory response action is to be endorsed by BCD prior to issuing the Subdivision Works Certificate.**

- (t) Schedule 2 Part E – new Condition E37 Species Credits is inserted in **bold and underline** as follows:

Biodiversity

E37 Species Credits

Prior to the issue of a Subdivision Works Certificate for bulk earthworks in Lot 1 DP 175234 (the land west of proposed Road 12) the Proponent shall purchase and retire credits for the following species as calculated by the Biodiversity Assessment Method:

- a) **Eastern pygmy-possum (*Cercartetus nanus*)**
- b) **Three-toed snake-tooth skink (*Coeranoscincus reticulatus*)**
- c) **Coxen's fig-parrot (*Cyclopsitta diophthamata coxeni*)**
- d) **Pale-headed snake (*Hoplocephalus bitorquatus*)**
- e) **Green-thighed frog (*Litoria brevipalmata*)**
- f) **Rough-shelled bush-nut (*Macadamia tetraphylla*)**
- g) **Slender marsdenia (*Marsdenia longiloba*)**
- h) **Southern pink underwing moth (*Phylodes imperialis*) (southern subspecies)**
- i) **Common Planigale (*Planigale maculata*)**

End of modification