

Modification of Development Consent

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

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



Brendon Roberts
A/Director
Regional Assessments

Sydney 28 January 2020

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 4:** modification to amend Condition E5 (Section 94 Contributions) to reflect the updated staging approved under MOD 3.

SCHEDULE 2

The consent is modified as follows:

- (a) 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 9 dated 9 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
- (28) **Modification Report- Altitude Aspire MOD 4 (MP 09 0166), prepared by DAC Planning and dated 10 December 2019.**

(b) Schedule 2 Part E – Condition E5 Section 94 Contributions is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

E5 Section 94 7.11 Contributions

Payment of the following contributions pursuant to Section 94 **7.11** of the Act and the relevant Section 94 Plan is required.

Prior to the any Interim or Final Occupation Certificate, all Section 94 **7.11** Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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 **7.11** Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS APPROVAL MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and 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 applicable 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.

Tweed Road Contribution Plan No.4 (Sector5_4)			
	No. of Trips	\$ per trip (\$1988 base rate + \$71 indexation)	Sub-Total
Stage 1	227.5	\$2059	\$468,423
Stage 2	182	\$2059	\$374,738
Stage 3	156	\$2059	\$321,204
Stage 4	325	\$2059	\$669,175
Stage 4a	175.5	\$2370	\$415,935
Stage 4b	169	\$2370	\$400,530
Stage 5	456 136.5	\$2059 \$2370	\$321,204 \$323,505
Stage 6	58.5	\$2059	\$120,452
Stage 6a	58.5	\$2370	\$138,645
Stage 6b	0	\$2370	\$0
Stage 7	78	\$2059	\$160,602
Stage 7a	65	\$2370	\$154,050
Stage 7b	13	\$2370	\$30,810
Stage 8	260	\$2059	\$535,340
Stage 8a	91	\$2370	\$215,670
Stage 8b	32.5	\$2370	\$77,025
Stage 9	469 117	\$2059 \$2370	\$347,971 \$277,290
Stage 10	N/A 58.5	\$2059 \$2370	N/A \$138,645
Stage 11	130	\$2370	\$308,100
Tweed Shire Library Facilities Contribution Plan No. 11			

	No. of ET	\$ per ET ((\$792 base rate + \$46 indexation)	Sub-Total
Stage 1	35	\$838	\$29,330
Stage 2	28	\$838	\$23,464
Stage 3	24	\$838	\$20,112
Stage 4	50	\$838	\$41,900
Stage 4a	27	\$985	\$26,595
Stage 4b	26	\$985	\$25,610
Stage 5	24 <u>21</u>	\$838 \$985	\$20,112 \$20,685
Stage 6	9	\$838	\$7,542
Stage 6a	9	\$985	\$8,865
Stage 6b	0	\$985	\$0
Stage 7	12	\$838	\$10,056
Stage 7a	10	\$985	\$9,850
Stage 7b	2	\$985	\$1,970
Stage 8	40	\$838	\$33,520
Stage 8a	14	\$985	\$13,790
Stage 8b	5	\$985	\$4,925
Stage 9	26 <u>18</u>	\$838 \$985	\$21,788 \$17,730
Stage 10	N/A <u>9</u>	\$838 \$985	N/A \$8,865
Stage 11	20	\$985	\$19,700
Bus Shelters Contribution Plan No. 12			
	No. of ET	\$ per ET (\$60 base rate + \$4 indexation)	Sub-Total
Stage 1	35	\$64	\$2,240
Stage 2	28	\$64	\$1,792
Stage 3	24	\$64	\$1,536
Stage 4	50	\$64	\$3,200
Stage 4a	27	\$75	\$2,025
Stage 4b	26	\$75	\$1,950

Stage 5	24 21	\$64 \$75	\$1,536 \$1,575
Stage 6	9	\$64	\$576
Stage 6a	9	\$75	\$675
Stage 6b	0	\$75	\$0
Stage 7	12	\$64	\$768
Stage 7a	10	\$75	\$750
Stage 7b	2	\$75	\$150
Stage 8	40	\$64	\$2,560
Stage 8a	14	\$75	\$1,050
Stage 8b	5	\$75	\$375
Stage 9	26 18	\$64 \$75	\$1,664 \$1,350
Stage 10	N/A 9	\$64 \$75	N/A \$675
Stage 11	20	\$75	\$1,500
Eviron Cemetery Contribution Plan No. 13			
	No. of ET	\$ per ET (\$101 base rate + \$22 indexation)	Sub-Total
Stage 1	35	\$123	\$4,305
Stage 2	28	\$123	\$3,444
Stage 3	24	\$123	\$2,952
Stage 4	50	\$123	\$6,150
Stage 4a	27	\$140	\$3,780
Stage 4b	26	\$140	\$3,640
Stage 5	24 21	\$123 \$140	\$2,952 \$2,940
Stage 6	9	\$123	\$1,107
Stage 6a	9	\$140	\$1,260
Stage 6b	0	\$140	\$0
Stage 7	12	\$123	\$1,476
Stage 7a	10	\$140	\$1,400
Stage 7b	2	\$140	\$280

Stage 8	40	\$123	\$4,920
Stage 8a	14	\$140	\$1,960
Stage 8b	5	\$140	\$700
Stage 9	26 18	\$123 \$140	\$3,198 \$2,520
Stage 10	N/A 9	\$123 \$140	N/A \$1,260
Stage 11	20	\$140	\$2,800
Community Facilities Contribution Plan No 15 (Tweed Coast - North)			
	No. of ET	\$ per ET (\$1305.6 base rate + \$83.4 indexation)	Sub-Total
Stage 1	35	\$1389	\$48,615
Stage 2	28	\$1389	\$38,892
Stage 3	24	\$1389	\$33,336
Stage 4	50	\$1389	\$69,450
Stage 4a	27	\$1624	\$43,848
Stage 4b	26	\$1624	\$42,224
Stage 5	24 21	\$1389 \$1624	\$33,336 \$34,104
Stage 6	9	\$1389	\$12,501
Stage 6a	9	\$1624	\$14,616
Stage 6b	0	\$1624	\$0
Stage 7	12	\$1389	\$16,668
Stage 7a	10	\$1624	\$16,240
Stage 7b	2	\$1624	\$3,248
Stage 8	40	\$1389	\$55,560
Stage 8a	14	\$1624	\$22,736
Stage 8b	5	\$1624	\$8,120
Stage 9	26 18	\$1389 \$1624	\$36,114 \$29,232
Stage 10	N/A 9	\$1389 \$1624	N/A \$14,616
Stage 11	20	\$1624	\$32,480

Extensions to Council Administration Offices & Technical Support Facilities Contribution Plan No. 18			
	No. of ET	\$ per ET (\$1759.9 base rate + \$100.41 indexation)	Sub-Total
Stage 1	35	\$1860.31	\$65,110.85
Stage 2	28	\$1860.31	\$52,088.68
Stage 3	24	\$1860.31	\$44,647.44
Stage 4	50	\$1860.31	\$93,015.50
Stage 4a	<u>27</u>	<u>\$2,195.88</u>	<u>\$59,288.76</u>
Stage 4b	<u>26</u>	<u>\$2,195.88</u>	<u>\$57,092.88</u>
Stage 5	24 <u>21</u>	\$1860.31 <u>\$2,195.88</u>	\$44,647.44 <u>\$46,113.48</u>
Stage 6	9	\$1860.31	\$16,742.79
Stage 6a	<u>9</u>	<u>\$2,195.88</u>	<u>\$19,762.92</u>
Stage 6b	<u>0</u>	<u>\$2,195.88</u>	<u>\$0</u>
Stage 7	12	\$1860.31	\$22,323.72
Stage 7a	<u>10</u>	<u>\$2,195.88</u>	<u>\$21,958.80</u>
Stage 7b	<u>2</u>	<u>\$2,195.88</u>	<u>\$4,391.76</u>
Stage 8	40	\$1860.31	\$74,412.40
Stage 8a	<u>14</u>	<u>\$2,195.88</u>	<u>\$30,742.32</u>
Stage 8b	<u>5</u>	<u>\$2,195.88</u>	<u>\$10,979.40</u>
Stage 9	26 <u>18</u>	\$1860.31 <u>\$2,195.88</u>	\$48,368.06 <u>\$39,525.84</u>
Stage 10	N/A 9	\$1860.31 <u>\$2,195.88</u>	N/A <u>\$19,762.92</u>
Stage 11	<u>20</u>	<u>\$2,195.88</u>	<u>\$43,917.60</u>
Cycleways Contribution Plan No. 22			
	No. of ET	\$ per ET (\$447 base rate + \$26 indexation)	Sub-Total
Stage 1	35	\$473	\$16,555
Stage 2	28	\$473	\$13,244
Stage 3	24	\$473	\$11,352
Stage 4	50	\$473	\$23,650

Stage 4a	27	\$555	\$14,985
Stage 4b	26	\$555	\$14,430
Stage 5	24 21	\$473 \$555	\$11,352 \$11,655
Stage 6	9	\$473	\$4,257
Stage 6a	9	\$555	\$4,995
Stage 6b	0	\$555	\$0
Stage 7	12	\$473	\$5,676
Stage 7a	10	\$555	\$5,550
Stage 7b	2	\$555	\$1,110
Stage 8	40	\$473	\$18,920
Stage 8a	14	\$555	\$7,770
Stage 8b	5	\$555	\$2,775
Stage 9	26 18	\$473 \$555	\$12,298 \$9,990
Stage 10	N/A 9	\$473 \$555	N/A \$4,995
Stage 11	20	\$555	\$11,100
Regional Open Space Contribution Plan No 26– Casual			
	No. of ET	\$ per ET (\$1031 base rate + \$60 indexation)	Sub-Total
Stage 1	35	\$1091	\$38,185
Stage 2	28	\$1091	\$30,548
Stage 3	24	\$1091	\$26,184
Stage 4	50	\$1091	\$54,550
Stage 4a	27	\$1282	\$34,614
Stage 4b	26	\$1282	\$33,332
Stage 5	24 21	\$1091 \$1282	\$26,184 \$26,922
Stage 6	9	\$1091	\$9,819
Stage 6a	9	\$1282	\$11,538
Stage 6b	0	\$1282	\$0
Stage 7	12	\$1091	\$13,092

Stage 7a	10	\$1282	\$12,820
Stage 7b	2	\$1282	\$2,564
Stage 8	40	\$1094	\$43,640
Stage 8a	14	\$1282	\$17,948
Stage 8b	5	\$1282	\$6,410
Stage 9	26 18	\$1094 \$1282	\$28,366 \$23,076
Stage 10	N/A 9	\$1094 \$1282	N/A \$11,538
Stage 11	20	\$1282	\$25,640
Regional Open Space Contribution Plan No 26 – Structured			
	No. of ET	\$ per ET (\$3619 base rate + \$211 indexation)	Sub-Total
Stage 1	35	\$3830	\$134,050
Stage 2	28	\$3830	\$107,240
Stage 3	24	\$3830	\$91,920
Stage 4	50	\$3830	\$191,500
Stage 4a	27	\$4500	\$121,500
Stage 4b	26	\$4500	\$117,000
Stage 5	24 21	\$3830 \$4500	\$91,920 \$94,500
Stage 6	9	\$3830	\$34,470
Stage 6a	9	\$4500	\$40,500
Stage 6b	0	\$4500	\$0
Stage 7	12	\$3830	\$45,960
Stage 7a	10	\$4500	\$45,000
Stage 7b	2	\$4500	\$9,000
Stage 8	40	\$3830	\$153,200
Stage 8a	14	\$4500	\$63,000
Stage 8b	5	\$4500	\$22,500
Stage 9	26 18	\$3830 \$4500	\$99,580 \$81,000

Stage 10	<u>N/A</u> <u>9</u>	\$3830 <u>\$4500</u>	<u>N/A</u> <u>\$40,500</u>
Stage 11	20	\$4500	\$90,000
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1		\$806,813.85	
Stage 2		\$645,450.68	
Stage 3		\$553,243.44	
Stage 4		\$1,152,590.50	
Stage 4a		\$722,570.76	
Stage 4b		\$695,808.88	
Stage 5		\$553,243.44	\$561,999.48
Stage 6		\$207,466.79	
Stage 6a		\$240,856.92	
Stage 6b		\$0	
Stage 7		\$276,621.72	
Stage 7a		\$267,618.80	
Stage 7b		\$53,523.76	
Stage 8		\$922,072.40	
Stage 8a		\$374,666.32	
Stage 8b		\$133,809.40	
Stage 9		\$599,347.06	\$481,713.84
Stage 10		\$NIL	\$240,856.92
Stage 11		\$535,237.60	

End of modification