

Project Approval

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

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approves the project application referred to in Schedule 1, subject to the conditions referred to in Schedule 2 and the Proponent's Statement of Commitment's in Schedule 3.

These conditions are required to:

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

Donna Campbell
Member of the Commission

David Furlong
Member of the Commission

Sydney

30 May 2014

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP09_0166 MOD 1	6 May 2015	Manager Industry Assessments	<p>This Modification Application involves the following:</p> <ul style="list-style-type: none"> • Deletion of the Community Title Scheme from the project, including the Community Recreation Facility on proposed Lot 713; • Dedication of Lot 713 as public open space, including a high level of embellishment. A Landscape Master Plan outlining the proposed embellishment is contained at Annexure C; • Proposed Lot 712 will not be dedicated as Public Open Space but rather will be used as Medium Density Residential. A Concept Plan of the proposed medium density development is attached at Annexure D. • Amend Project Approval Description; Definitions and Conditions A1; A2; A3; A4; A15 & E10
MP09_0166 MOD 2	26 November 2015	Director Industry Assessments	Amendment of the Proposed Subdivision Plan to delete reference to the proposed water reservoir site on proposed Lot 501; Modification of Conditions B7, B8, E13(k) and consequential amendments to Conditions E4 & E5
MP09_0166 MOD 3	26 November 2019	A/Director Regional Assessments	<p>Revised Acoustic Report reflecting current lot numbering;</p> <p>Amended Structural Systems Plan;</p> <p>Increase in the extent of bulk earthworks in Lot 1 DP 175234 No. 93 Parkes Lane Amended design of the central drainage corridor;</p> <p>Construction of a roundabout at the intersection of Parkes Lane (Road 10), Townsend Crescent (Road 12) and the future Road 15 to the west into Lot 1 DP 175234;</p> <p>Amendments to the subdivision lot layout to incorporate the proposed roundabout and to accommodate the approved roundabout at the intersection of Parkes Lane (Road 10) and Market Pde (Road 2)</p> <p>Revision of the proposed staging</p>
MP09_0166 MOD 4	28 January 2020	A/Director Regional Assessments	Correction to Condition E5-Contributions

CONSOLIDATED CONSENT

MP09_0166 MOD 5	29 September 2025	Director Regional Assessments	Subdivide three (3) of the four (4) nominated medium density lots into conventional residential
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FOR INFORMATION

CONSOLIDATED CONSENT

SCHEDULE 1

Application No:	09_0166
Proponent:	Metricon Queensland Pty Ltd (ABN 66 607 866 132)
Approval Authority:	Minister for Planning and Infrastructure
Land:	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
Local Government Authority:	Tweed Shire Council
Project:	Community Title Residential Subdivision comprising:- <ul style="list-style-type: none">- 250 277 residential and 4 <u>1</u> medium density lots;- 4 public reserve lots, 1 water reservoir site, 1 drainage reserve lot, 1 community lot- Landforming and earthworks;- Community recreation facility on Lot 713;- Associated roads, stormwater and utility infrastructure.

CONSOLIDATED CONSENT

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09_0166

DEFINITIONS	1
PART A—ADMINISTRATIVE CONDITIONS	2
PART B — PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS	9
GENERAL	9
SUBDIVISION DESIGN MODIFICATIONS	10
REMEDICATION AND EARTHWORKS.....	11
CONSTRUCTION MANAGEMENT	13
STORMWATER.....	15
TRAFFIC & PARKING	16
LANDSCAPING AND VEGETATION MANAGEMENT.....	17
MONITORING	19
PART C—PRIOR TO COMMENCEMENT OF WORKS	19
NOTIFICATION REQUIREMENTS.....	19
PUBLIC RISK.....	20
STRUCTURAL WORKS.....	20
POLLUTION CONTROL.....	21
PART D—DURING CONSTRUCTION	21
CONSTRUCTION MANAGEMENT	21
SITE MAINTENANCE	24
NOISE AND VIBRATION.....	24
GEOTECHNICAL.....	25
ROAD CONSTRUCTION	26
STORMWATER AND DRAINAGE.....	27
HERITAGE	28
INSPECTIONS.....	28
PART E — PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE	29
GENERAL	29

CONSOLIDATED CONSENT

DEVELOPER CONTRIBUTIONS	30
EARTHWORKS/GEOTECHNICAL/REMEDATION	38
TRAFFIC AND ACCESS	39
SERVICES.....	39
OPEN SPACE / LANDSCAPING	40
DEDICATION OF LAND.....	41
ADVISORY NOTES	41

FOR INFORMATION

DEFINITIONS

Advisory Notes	means advisory information relating to the approval but do not form a part of this approval.
BCA	means Building Code of Australia
Construction Council	means any works, including earth and building works means Tweed Shire Council
Certifying Authority	means a person who is authorised by or under section 109D of the Act to issue a Construction Certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day	means the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department Developer Secretary	means Department of Planning and Infrastructure or its successors means anyone acting on behalf of the Proponent. Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	means A written approval from the Secretary (or nominee/delegate) Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the timetaken for the Applicant to respond in writing will be added to the one month period.
EEC	means Endangered ecological community
Environmental Assessment	means the Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd and dated December 2010, including all Appendices
Evening	means The period from 6pm to 10pm
EPA	means Environment Protection Authority, or its successor
EP&A Act	means <i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	means <i>Environmental Planning and Assessment Regulation 2000</i>
Incident	means a set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	means the Minister for Planning and Infrastructure, or nominee
Night	means the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	means NSW Office of Water, or its successor
OEH	means Office of the Environment and Heritage, or its successor
PCA	means Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
PPR	means Preferred Project Report prepared by Darryl Anderson Consulting Pty Ltd and dated April 2013, including all Appendices
PPR Addendum	means Preferred Project Report Addendum prepared by Darryl Anderson Consulting Pty Ltd and dated October 2013, including all Appendices
Project	means the project as described in Condition A1
Proponent	means Metricon Queensland Pty Ltd or anyone else entitled to act on this approval
Reasonable and Feasible	means reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RFS	means Rural Fire Service or its successor
RMS	means Roads and Maritime Services Division, Department of Transport or its successor
SOCs	means the Statement of Commitment's prepared by Darryl Anderson Consulting Pty Ltd dated October 2013.
Subject Site	means Land identified in Schedule 1.

PART A—ADMINISTRATIVE CONDITIONS

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 ~~254~~ 277 residential housing lots;
- 3) Creation of 5 ~~1~~ medium density lots comprising Lot 751 DP 1291069 Lot 701, Lot 711, Lot 712, Lot 1008 and Lot 1009;
- 4) Creation of 3 open space lots for public recreation comprising Lot 454, Lot 713 and Lot 819
- 5) Creation of 2 drainage reserve, 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.

A2 Staging

The project is to be constructed in fifteen (15) stages, generally in accordance with the 'Plan Showing Existing topography and Proposed Subdivision Layout' dated 13 March 2019, prepared by B & P Surveys Revision O (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 – 427 inclusive, 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 – 521 inclusive, incorporating roads and infrastructure;
- (6) Stage 6A comprises residential lots 601 – 609 inclusive, incorporating roads and infrastructure;
Stage 6B comprises a drainage reserve on Lot 610 and incorporating roads and infrastructure;
- (7) Stage 7A comprises residential lots 701 – 710 inclusive, 1 medium density residential lots 701, 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 – 814 and incorporating roads and infrastructure;
Stage 8B comprises residential lots 815 – 820 inclusive of public reserve on Lot 819 and incorporating roads and infrastructure;

CONSOLIDATED CONSENT

- (9) Stage 9 comprises residential lots 901 – 918 inclusive, and incorporating roads and infrastructure; ~~and~~
- (10) Stage 10 comprises 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;
- (12) Stage 12 comprises the subdivision of Lot 701 into 10 low density residential lots inclusive and incorporating roads and infrastructure; and
- (13) Stage 13 comprises the subdivision of Lots 750, 752 and 753 into 16 low density residential lots 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) – (11) inclusive, shall be submitted for the approval of the Secretary, prior to the issuing of a Construction Certificate for subdivision works.

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
- h) The Section 4.55(2) modification MP09_0166 MOD 5 prepared by Zone Planning Group, lodged on 1 November 2024.

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	O	Plan Showing Existing Property Descriptions and Tweed Local Environmental Plan 2000 & 2014 - Zonings (Sheet 1)	13 March 2019
18779B	O	Plan Showing Existing Topography & Proposed Subdivision Layout (Sheet 2)	13 March 2019

CONSOLIDATED CONSENT

18779B	O	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 3)	13 March 2019
18779B	O	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 4)	13 March 2019
18779B	O	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 5)	13 March 2019
18779B	O	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 6)	13 March 2019
18779B	O	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 7)	13 March 2019
18779B	O	Plan Showing Proposed Subdivision Layout & Design Contours (Sheet 8)	13 March 2019
18779B	I	Locality/Context Plan	10 July 2013
<u>26439B</u>	<u>A</u>	<u>Proposed Staging</u> <u>Stage 12 Lots – 10 Lots</u> <u>Stage 13 Lots – 16 Lots</u> <u>Sheet 1 of 2</u>	<u>19 August 2024</u>
<u>26439B</u>	<u>A</u>	<u>Proposed Staging</u> <u>Stage 12 Lots – 10 Lots</u> <u>Stage 13 Lots – 16 Lots</u> <u>Sheet 2 of 2</u>	<u>19 August 2024</u>
<u>25570B</u>	<u>B</u>	<u>Proposed Subdivision of Lot 750 in DP1291069 and Lots 752 & 753 in DP1305582 (Un -Reg)</u> <u>Mawson Peak Boulevard, Market Parade & Townsend Crescent, Terranora</u>	<u>22 November 2023</u>
<u>25956D</u>	<u>A</u>	<u>Proposed Subdivision of Lot 701 in DP 1291069</u> <u>Market Parade, Terranora</u>	<u>5 April 2024</u>
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	I	Structural Systems Plan	29 June 2018 <u>4 September 2024</u>
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
SK.0009	A	Medium Density Lot 712	February 2015
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 - SK3590 (inclusive)	B	Road Plans – road longitudinal, long and cross sections	7 January 2013
SK3 3595 - SK3607	B	Road Plans – road longitudinal long and cross sections	7 January 2013

CONSOLIDATED CONSENT

SK3608	C	Road 9 Longitudinal Section	9 July 2019
SK312 – SK3616	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
SK6596	D	Proposed Staging Updates	26 March 2019
SK6622	C	Areas of Proposed Changes for Consent Modification 3	26 March 2019
SK4554	F	Road Names Plan	6 July 2018
SK6460	B	Extent of Mawsons Peak Blvd - Townsend Crescent Roundabout Works	6 July 2018
SK3618/1	H	Central Open Drain Swale Plan – Sheet 1 of 3	26 March 2019
SK3618/2	H	Central Open Drain Swale Plan – Sheet 2 of 3	26 March 2019
SK3618/3	H	Central Open Drain Swale Plan – Sheet 3 of 3	26 March 2019
SK3619	E	Central Open Drain Swale Long Section	26 March 2019
SK3620	F	Central Open Drain Swale Cross Sections Sheet 1 of 6	26 March 2019
SK3621	F	Central Open Drain Swale Cross Sections Sheet 2 of 6	26 March 2019
SK3622	F	Central Open Drain Swale Cross Sections Sheet 3 of 6	26 March 2019
SK3623	F	Central Open Drain Swale Cross	26 March 2019

CONSOLIDATED CONSENT

		Sections Sheet 4 of 6	
SK3624	F	Central Open Drain Swale Cross Sections Sheet 5 of 6	26 March 2019
SK3625	F	Central Open Drain Swale Cross Sections Sheet 6 of 6	26 March 2019
SK3626	F	Water Quality Treatment Areas	26 March 2019
SK3487	F	Box Culvert Sections	6 February 2019
SK4038	E	Central Open Drain Swale Bund	26 March 2019
SK6524	D	West Boundary Earthworks Extent	23 January 2019
SK6525	C	West Boundary Roads Cross Sections Extent Sheet 1 of 4	6 July 2018
SK6526	C	West Boundary Roads Cross Sections Extent Sheet 2 of 4	6 July 2018
SK6527	B	West Boundary Roads Cross Sections Extent Sheet 3 of 4	6 July 2018
SK6528	C	West Boundary Roads Cross Sections Extent Sheet 4 of 4	26 March 2019
SK3617	H	Retaining Wall Layout	26 March 2019
SK3591	C	Road 2 (Market Parade) Cross Sections Sheet 1 of 5	24 July 2018
SK3592	C	Road 2 (Market Parade) Cross Sections Sheet 2 of 5	24 July 2018
SK3593	C	Road 2 (Market Parade) Cross Sections Sheet 3 of 5	24 July 2018
SK3594	C	Road 2 (Market Parade) Cross Sections Sheet 4 of 5	24 July 2018
SK3609	C	Road 10 (Mawsons Peak Blvd & Parkes Lane) Longitudinal Section	24 July 2018
SK3610	C	Road 10 (Mawsons Peak Blvd) Cross Sections Sheet 1 of 2	24 July 2018
SK3611	C	Road 10 (Mawsons Peak Blvd & Parkes Lane) Cross Sections – Sheet 2 of 2	24 July 2018
SK3631	C	Stormwater Layout (Sheet 1)	16 May 2013
SK3632	D	Stormwater Layout (Sheet 2)	16 May 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
SK6978	A	Lot 610 Sewer Reticulation Plan and Trunk Sewer Long Section	26 March 2019
Engineering Drawings prepared by Arcadis, Project No 10028171			
Drawing No.	Revision	Name of Plan	Date
-	02	ENGINEERING SERVICES PLAN SHEET 1 OF 2	January 2025
-	02	ENGINEERING SERVICES PLAN SHEET 2 OF 2	January 2025

CONSOLIDATED CONSENT

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	1 May 2019
Figure 2	-	Landscape Structure	1 May 2019
Figure 3	-	Circulation Network	1 May 2019
Figure 4	-	Casual Open Space Compliance Areas	1 May 2019
-	-	Fence Types and Balustrades	1 May 2019
-	-	Fence Types	1 May 2019
-	-	Community Park Node	1 May 2019
-	-	Fraser Drive Entry	1 May 2019
-	-	Landscape Sections 1 – 3 (2 sheets)	1 May 2019
-	-	Landscape Sections 4 – 10 (4 sheets)	1 May 2019
-	-	Central Drainage Reserve	1 May 2019
-	-	Pocket Park 1	11 February 2015
-	-	Pocket Park 2	11 February 2015
-	-	Sections 11 – 12 (2 sheets)1	1 May 2019
-	-	Planting Palette (2 sheets)	1 May 2019
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

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 9 November 2019;
- (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_SAMP_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;
- (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.
- (22) *Modification Report – Major Project Approval No. 09_0166 Proposed Residential*

CONSOLIDATED CONSENT

- 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 (MP09_0166), prepared by DAC Planning and dated 10 December 2019.
 - (29) Modification Report – SECTION 4.55 Application to Modify MP 09 0166 (Mod 5) Residential Subdivision, prepared by Zone Planning Group and dated 12 September 2024.
 - (30) Engineering Compliance Report – Altitude Aspire Medium Density Lot Conversion, prepared by Arcadis and dated 19 August 2024.
 - (31) Response to Submissions Report, S.4.55(2) Modification Application (MP09 0166 MOD 5), prepared by Zone Planning Group and dated 24 January 2025.

A5 Inconsistency between documents

- 1) In the event of any inconsistency between the documentation referred to in conditions A3 and A4, the most recent document prevails to the extent of the inconsistency.
- 2) In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval shall prevail to the extent of the inconsistency.

A6 Lapsing of approval

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.

A7 Statement of Commitments

The proponent shall provide an updated Statement of Commitments to the Secretary and a copy to Council within one month of this consent. The updated Statement of Commitments shall reflect:

- The intersection with Fraser Drive is permanent (Commitment 12); and
- The draft Voluntary Planning Agreement shall reflect the letter of offer to Council dated 4 December 2013 and the proponent should pay the Council's legal fees.

A8 Vegetation Removal

Vegetation removal and associated works within the identified Freshwater Wetland Endangered Ecological Community are restricted to an area of 0.11ha being that area identified as Detention Bund at Figure 10 of the *Revised Ecological Assessment* (JWA April 2013).

A9 Building Code of Australia

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

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 as outlined on the 'Retaining Wall Layout Plan' Revision H prepared by Bradlees Civil Consulting dated **26 May 2019**.

A11 Prescribed Conditions

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

A12 Use of Machinery

The use of crushing plant machinery, mechanical screening or mechanical blending of materials is subject to separate development application.

A13 Compliance with Council Policy

Subject to Conditions A3 and A4 and other conditions of this approval, the subdivision is to be carried out in accordance with Tweed Shire Council's Development Control Plan Section A5 - Subdivision Manual and Council's Development Design Specifications and Development Construction Specifications, current at the date of approval.

A14 Public Utilities

Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

A15 Deleted

A16 Secretary 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 **Secretary**, the matter is to be referred to the **Secretary** for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

A17 Statutory Requirements

The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project (but this does not include those that do not apply because of section 75U(1) of the EP&A Act). 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

A18 Certification

- 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.

PART B — PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

GENERAL

B1 Construction Certificates

Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.

B2 Voluntary Planning Agreement

The Proponent shall enter into a Voluntary Planning Agreement (VPA) with Council, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council on 4 December 2013 by the Proponent, prior to the issue of the first construction certificate.

NOTE: The contributions applicable under the Voluntary Planning Agreement are in addition to those Section 64 and Section 94 contributions statutorily applicable as listed separately in this approval.

B3 Construction Certificate for Civil Works

The proponent shall submit plans and specifications with any application for construction certificate for civil works, including but not limited to bulk earthworks, roadworks, any associated subsurface overland flow and piped stormwater drainage structures and associated systems, reticulated water supply and sewer infrastructure and associated works, electrical and telecommunication services etc, to facilitate the orderly construction of the subdivision as approved by this approval.

All works shall be designed in accordance with Council's *Development Design Specifications and Development Construction Specifications* and cover all stages of the proposed development.

B4 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads but only to the extent that the engineer is able to reasonably gain access. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage. A copy of the report is to be forwarded to Council.

B5 Long Service Levy

In accordance with Section 109F(i) of the *Environmental Planning and Assessment Act 1979* (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act, 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

B6 Bond

Prior to the issue of any Construction Certificate by the PCA, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate. The bond will be refunded, if not expended, when the relevant Subdivision Certificate is issued.

Subdivision Design Modifications

B7 Water Supply

Prior to the issue of a Construction Certificate for the **first relevant** stage of subdivision works, the Proponent shall apply to Council as the water authority for a Certificate of Compliance under section 305 of the *Water Management Act 2000*, and obtain the Water Authority's requirements for provision of water supply to the development consistent with section 306 of the *Water Management Act 2000*. The Proponent must meet these requirements to the satisfaction of the Water Authority. The actual works required under section 306, being works listed in section 68 of the *Local Government Act 1993*, will require approval by Council prior to, or in conjunction with, the issue of a Construction Certificate.

A lot of suitable size, shape and location for the Water Pressure Boosting Pumping Station shall be dedicated to Council. Full details and timing for the required dedication must be determined by the Water Authority, prior to the issue of the Stage 1 Construction Certificate.

B8 Sewer System

Prior to issue of a Construction Certificate for the **Stage-1 relevant stage of** subdivision works, the Proponent shall apply to Council as the Water Authority for a Certificate of Compliance under section 305 of the *Water Management Act 2000*, and obtain the Water Authority's requirements for provision of sewerage to the development consistent with section 306 of the *Water Management Act 2000*. The Proponent must meet these requirements to the satisfaction of the Water Authority. The actual works required under section 306, being works listed in section 68 of the *Local Government Act 1993*, will require approval by Council prior to, or in conjunction with, the issue of a Construction Certificate.

A lot of suitable size, shape and location for the Sewer Pumping Station shall be dedicated to Council. Full details and timing for the required dedication must be determined by the Water Authority, prior to the issue of the Stage 1 Construction Certificate.

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 metres wide, or larger if other services are also proposed within the easement.

B8D

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

B8E

Prior to the 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.

B9 Revised Structural Systems and Bulk Earthworks Plans

A revised Structural Systems Plan is required prior to the issue of the first Construction Certificate, outlining the structural systems for the proposed housing for the entire subject site, without the retaining walls and 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 as outlined in Condition A10 of this approval.

Detailed design plans for the relevant Construction Certificates are to illustrate no retaining walls to create terraced lots on these specified lots within the subject site. The bulk earthworks plan must also be revised to remove the proposed filling to the extent that filling of these specified lots creates terraced lots to reflect the removal of these retaining walls on the lots specified in this condition.

B10 Change to Road 9

The connection between Road 9 and Market Parade is to be removed and Road 9 reconfigured as a cul-de-sac. The changed layout is to ensure that no non-conventional lots are created.

Remediation and Earthworks

B11 Land contamination

The 'Sampling, Analysis and Quality Plan' ('SAQP') prepared by Gilbert & Sutherland dated October 2013 shall be implemented prior to the issue of a Construction Certificate for bulk earthworks. If the SAQP concludes that further remediation work is required, the Remediation Action Plan prepared by Gilbert & Sutherland dated October 2013 is to be revised accordingly to ensure that the site is suitable for the proposed residential use. Certification from the Accredited Site Auditor must be provided certifying that the SAQP has been prepared in accordance with the relevant requirements. Amendments to the approved RAP required as a result of further site investigations must be approved

by the Site Auditor.

B12 Remediation of the Site

The site shall be remediated and validated in accordance with the '*Remediation Action Plan*' ('RAP') prepared by Gilbert & Sutherland dated October 2013 for each relevant stage of the Subdivision. Any variations to the RAP shall be approved in writing by the Accredited Site Auditor prior to the commencement of such work. A copy is to be provided to the Department and Council. Details are to be provided prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision.

B13 Geotechnical Compliance

Prior to the issue of the Construction Certificate for each stage, detailed earthworks design plans must be endorsed by a practicing geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the geotechnical reports, submitted with the EA and PPR, including *Broad Geotechnical Engineering Assessment* prepared by Morrison Geotechnic Pty Ltd dated November 2010.

B14 Structural Engineer

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

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

B15 Phasing of Bulk Earthworks

The phasing of bulk earthworks as depicted on the '*Ultimate Earthworks Phasing Plan*' (Bradlees Consulting Drawing Number SK 3562 Revision E) shall be amended to include in Phase 1, as a minimum, the works in Stage 5 necessary to form the road extension of Market Parade (Road 2), in order for these road works to be undertaken as part of Stage 4 civil works. This must be reflected on the Construction Certificate for the relevant stage(s) of the subdivision.

B16 Cut and Fill levels

- 1) Cut and fill levels for each stage of the subdivision are to be generally in accordance with approved engineering plans, except as provided by these conditions. Design plans are to be approved by the PCA prior to issue of the Construction Certificate for each stage of the project.
- 2) The source of any fill material is to be identified and reported by a practicing geotechnical engineer certifying that the material is suitable for the intended purpose prior to the issue of the Construction Certificate for each stage of the subdivision. The report is to include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

B17 Site Regrading

Subject to other conditions of this approval, site regrading undertaken for all stages of the subdivision must be undertaken in accordance with *Tweed Shire Council's Development Design Specification D6 – Site Regrading*. Evidence of compliance with this specification must be provided to the PCA for approval prior to issue of the Construction Certificate for each stage of the project.

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.**

B18A Inter-allotment Drainage System – Lot 701

A complete Works Methodology for the construction of the Inter-allotment Drainage System (IAD) within and for the subdivision of Lot 701 must be provided with the application for the Subdivision Works Certificate for Stage 12.

B19 Structural Systems Plan

Detailed earthworks plans required prior to the issue of a Construction Certificate for each stage of the subdivision must demonstrate general compliance with the Structural Systems Plan prepared by Local Office Architecture, Drawing Number SK.0002 dated ~~March 2013~~ **4 September 2024**, except as modified by these conditions.

B20 Detailed Design of Retaining walls

Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, *Tweed Shire Council Development Control Plan Part A1* and Councils Development Design Specifications and Development Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer. Timber retaining walls are not permitted.

B21 Fill

All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties. All earthworks shall be contained wholly within the subject land.

Construction Management

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 condition B25);
 - (iii) construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition B23);
 - (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.
- 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, 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 **Secretary**. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the **Secretary**, 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 **Secretary** and Council for information. Construction shall not commence until written approval has been received from the certifying authority.

B23 Demolition and Construction Waste Management Plan

Prior to the issuing of a Construction Certificate, a demolition and construction waste management plan is to be provided to Council. The Waste management plan is to include:

- a) Demolition
 - (i) The volume and type of waste generated during demolition.
 - (ii) The methods of storage of material on site. A site plan should be included.
 - (iii) How recyclable materials will be separated, managed, and where the materials will be sent for recycling
 - (iv) The location and methods of disposal of all residual waste.
 - (v) The licensed transporter of the waste.
- b) Construction
 - (i) The type of waste generated during construction.
 - (ii) The method and location of waste storage on site.
 - (iii) How any recyclable materials will be managed.
 - (iv) The location of the disposal facility for residual waste.

B24 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate for each stage of the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication '*Traffic Control at Works Sites*' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

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

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

B25 Noise and Vibration Management Plan

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.

B26 Erosion and Sediment Control

- 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 SEPP 14 wetlands,
 - 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,

Stormwater

B27 Stormwater Quality Control Devices

The design of stormwater quality control devices shall be in accordance with Council's *Development Design Specification D7 - Stormwater Quality and Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Healthy Waterways)*. The construction certificate application for stormwater quality facilities in the central open drainage precinct shall provide the following detailed design amendments:

- a) Basin A - Provide outlet details;
- b) Basin B - Provide staging details of outlet works to a lawful point of discharge in accordance with bulk earthworks phasing;
- c) Basin C - Consider deletion given small contributing catchment;
- d) Provide details of high flow bypasses for each basin;
- e) Provide inlet designs that reduce inflow velocities and avoids scour of basin media;
- f) Provide maintenance accesses to all basins to the satisfaction of Council.

B28 Central Open Drainage Channel

Detailed design of the central open drainage channel shall be in accordance with the requirements of

Council's *Development Design Specification D5 - Stormwater Drainage Design*, clauses D5.12 and D5.13, and address public safety and maintenance concerns to the satisfaction of the PCA, based on predicted velocity x depth products in this trunk drain.

B29 Stormwater Quality Treatment

Permanent stormwater quality treatment shall be provided in accordance with the following:

- a) 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*.
- b) 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*.
- c) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
 - (ii) The close proximity of inlet and outlet structures for Basin D, and to a lesser extent Basin B, will need to be either justified or revised to ensure appropriate dispersion of inflows will occur.

B30 Water drawn from Councils reticulated system

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

- a) Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
- b) Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
- c) Payment of relevant fees in accordance with Councils adopted fees and charges.

B31 Stormwater

All inter-allotment drainage systems shall be designed in accordance with Council's *Development Design Specification D5 - Stormwater Drainage Design*, catering for minor and major storm events, with appropriate consideration for blockages, bends, freeboard to adjoining residential development, and adjacent earth retaining structures.

Staging plans for the subdivision must provide the necessary stormwater infrastructure to fully service each stage of the development, to the satisfaction of the PCA. Details are to be provided prior to the issue of the Construction Certificate for each stage of the subdivision.

B32 Dam Water Discharge

An assessment of the quality of the water within the existing waterbodies on site and the proposed dewatering process shall be undertaken to ensure suitability to discharge during the dewatering operations. Details of the assessment and proposed dewatering process are to be submitted to Council.

B33 Impact on SEPP 14 Wetlands

The hydrologic impact of the development on the downstream SEPP 14 Wetland is to be confirmed as part of the detailed design of the development. The results of this assessment and demonstration that adequate measures are in place to ameliorate any impacts on the SEPP 14 Wetland are to be submitted to Council for approval prior to the issue of the Construction Certificate for each stage of the subdivision.

B34 Channel Vegetation

An assessment of the resilience of channel vegetation and channel form shall be conducted to ensure sufficient protection from high flow velocities is achieved. Details of this assessment are to be provided to Council prior to the issue of the Construction Certificate for each stage of the subdivision.

Traffic & Parking

B35 Extension of Market Parade

Construction of the extension of Market Parade (Road 2) shall occur no later than the Stage 4 civil works. Details are to be provided prior to the issue of the relevant Construction Certificate.

B36 Bus Parking Bays

Four (4) bus parking bays shall be provided as part of the construction of Road 2 in the general locations indicated on Figure 6.3 of the *Revised Transport Assessment* prepared by Bitzios Consulting dated 8 April 2013, Version 002 Project No P1197. The bays are to be designed to be positioned parallel to the kerb, and the parking area should be made long enough to adequately cater for a 12.5m bus to enter and exit the bay. Details are to be provided prior to the issue of the relevant Construction Certificate.

B37 Extension of Footpath and Bus Parking Bays along Fraser Drive

Details are to be provided prior to the issue of the Construction Certificate for that stage of the subdivision for the following:-

- 1) A 1.2m wide concrete footpath is to be constructed from the proposed pathway between Lots 128 and 129 of the Development along Fraser Drive and Glen Ayr Drive to the existing bus shelter on Kintyre Crescent, as part of Stage 1. Appropriate pedestrian crossing facilities to RMS guidelines are to be installed on Fraser Drive linking to the footpath.
- 2) Bus parking bays shall be provided north bound and south bound on Fraser Drive within close proximity to Glen Ayr Drive and be accessed by the extended pedestrian pathway. The bays are to be designed to be positioned parallel to the kerb, and the parking area should be made long enough to adequately cater for a 12.5m bus to enter and exit the bay.

B38 - Deleted

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 Design Part 4B: Roundabouts***

B40 Regulatory Signage

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

B41 Driveways

The Construction Certificate application for each stage of the subdivision is to demonstrate that all lots in the steeper sections of the subdivision can be serviced by a driveway in accordance with Development Design Specifications and Development Construction Specifications.

B42 Road Levels for Road Adjoining Lot 1 DP 175234

Finished road levels for the proposed road adjoining Lot 1 DP 175234 must be illustrated on the Construction Certificate plans for the relevant stage and must be to the satisfaction of the PCA.

B43 Fraser Drive and Road 1 Intersection

Detailed design of the intersection of Proposed Road No 1 with Fraser Drive must ensure this intersection retains the existing vehicular access arrangements to and from the driveways onto Fraser Drive in a northerly and southerly direction for the residential properties along the eastern side of Fraser Drive, located opposite and in the vicinity of this proposed entry point. These properties are to include, but are not necessarily limited to, No's 24, 26, 30 and 34 Fraser Drive. The intersection design shall ensure these properties have safe access and egress from their driveways. Details must be provided prior to the issue of the Construction Certificate for Stage 1 and must be to the satisfaction of the [Secretary](#).

Landscaping and Vegetation Management

B44 Vegetation Management & Rehabilitation Plan

The commencement of the *Vegetation Management & Rehabilitation Plan* ('VMRP') (Annexure 10 to the Preferred Project Report) is to occur prior to the commencement of works on the site and continue to be implemented by the proponent until the performance targets are met and until such time that an agreement has been reached with Council for the dedication of the lands to which the plan applies. Prior to Issue of a Construction Certificate the VMRP is to be revised to the satisfaction of Council to incorporate the following:-

- 1) Commencement - The VMRP must commence prior to the commencement of works on the site in order to maximise lead time for restoration and rehabilitation works;
- 2) Implementation Period – the VMRP must state that vegetation management and rehabilitation is to be maintained by the proponent until an agreement for dedication of the lands to Council has been reached;
- 3) Performance standards and management actions – The VMRP must include performance standards and management actions relating to the two stages of rehabilitation, i.e. an initial establishment phase and the ongoing maintenance period;
- 4) Monitoring programs – The VMRP must provide monitoring programs for "Revegetation Areas" and "Natural Regeneration Areas", a clear outline as to the responsibility for the maintenance of these areas throughout the duration of the plan and whether monitoring will be carried out in the planted areas within the open space and stormwater detention areas;
- 5) Monitoring reports – the VMRP must state that all monitoring reports are to be forwarded to Council on an annual basis;
- 6) Survival of planted stock – the VMRP must provide monitoring parameters for recording the survival of planted stock; and
- 7) Bioretention basins – the VRMP must state that the planting out of bioretention basins and surrounding open space areas should be undertaken immediately following disturbance.
- 8) Monitoring of Freshwater Wetland EEC and SEPP 14 Wetland – The VMRP must provide a monitoring program for the Freshwater Wetland EEC and SEPP 14 Wetland which will be undertaken during the construction and for two years after the final stage of the development is completed too ensure that these communities are resilient enough to cope with any changes in hydrology (peak velocities). The VMRP must set out appropriate contingency mitigation measures in the event that impacts are identified.

B45 Revised Biting Insect Management Plan

Prior to the issuing of a Construction Certificate, the *Biting Insect Management Plan* is to be revised in consultation with the Council's Pest Management Unit and to the satisfaction of Council to:-

- 1) include clear and measurable actions and targets for management of biting insects within the PPR site; and
- 2) identify and address the required management of the SEPP 14 wetland such that commitment to and funding for biting insect management is made until such time as lands are under the control of Council.

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 **713**, in consultation with Council's Recreation Services Unit.;
 - b) The public open space area on Lot **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**) must 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.**

B47 Playgrounds

Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009). In accordance with Appendix 3 of these guidelines, no playground facility shall have a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.

B48 Planting List

- 1) The plants listed in the landscape plans (not the areas subject to vegetation rehabilitation) are not to include any noxious or environmental weed species, and must have a minimum 80% of total plant numbers being local native species.
- 2) Species selection for revegetation works within the Conservation Area is to be guided by the *Revised Vegetation Management & Rehabilitation Plan* (JWA 2013) planting list, rather than the Landscape Plan.
- 3) Details are to be provided in the final detailed landscaping and *Vegetation Management and Rehabilitation Plans* prior to the issue of the Construction Certificate for each relevant stage.

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 **454**, 712, and excluding Lot **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)*

CONSOLIDATED CONSENT

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.**

Monitoring

B50 Stormwater Monitoring Plan

In order to demonstrate that the stormwater management system satisfactorily complies with the intended design and the *Tweed Shire Council Development Control Plan Stormwater Design Specification*, a Stormwater Monitoring Plan shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of the Construction Certificate for the first stage of the project. Due to the proximity of the SEPP 14 wetlands, the plan shall consider the appropriate water quality objectives of the *Tweed Urban Stormwater Quality Management Plan, 2012*, for drainage of stages 4, 5 and 6 for approval of the council.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice

The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

C2 Notifying Adjoining Neighbours

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

C3 Contact Telephone Number

Prior to the commencement of the works for each stage of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C4 Community Liaison Officer

A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis during construction works. Details of the contact person and telephone number shall be clearly displayed at the site entry. Details of the contact person and telephone number shall be locally advertised a minimum of fourteen (14) days prior to the commencement of works and local, directly affected residents notified by means of an individual letter box drop to each household.

Public Risk

C5 Public Risk Liability

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.

Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

C6 Site Safety

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

Structural Works

C7 Structural Details

Prior to the commencement of construction at each stage of the project, the Proponent shall submit to

the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant project approval,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C8 Filling of the Site and Imported Fill

- 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 material is suitable for the intended purpose must be provided. The report must include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material including contamination.
- 2) All imported fill material shall be from an approved source.
- 3) Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the the PCA. Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of the relevant Subdivision Certificate.

C9 Retaining Walls

Prior to commencement of works for any stage of the project a certificate of adequacy of design, signed by a practising Structural Engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the Principal Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

Pollution Control

C10 Erosion and Sediment Control

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 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.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act, 1993*, 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.

This sign is to remain in position for the duration of the project.

C11 Existing Services

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

C12 Movement of Trucks Transporting Waste Material

The proponent shall notify the Roads and Maritime Service's Traffic Management Centre (TMC) of the

CONSOLIDATED CONSENT

truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site for each stage of the project.

FOR INFORMATION

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

D2 Carrying out of Works

Subject to other conditions of this approval, the works are to be completed in accordance with Tweed Shire Councils *Development Control Plan, Part A5 - Subdivision Manual*, Development Design Specifications and Development Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that good engineering practices are achieved.

D3 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

- 1) Details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- 2) The approved hours of work;
- 3) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

D4 Site security

It is the responsibility of the Proponent to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and *Occupational Health and Safety Regulation 2001*.

D5 Protection of Trees – On-site Trees

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

D6 Dust Control Measures

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:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of project to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but

should not be wet to the extent that run-off occurs,

- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.
- (9) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydromulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

D7 Minimise impact on the neighbourhood

All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- noise, water or air pollution,
- dust during filling operations and also from construction vehicles, and
- material removed from the site by wind.

D8 Minimise Harm to the Environment

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

D9 Asbestos Removal

The removal of any asbestos and material containing asbestos from the site shall be carried out in accordance with any requirements of the WorkCover Authority of NSW, the Waste Management Authority and the Environmental Protection Authority and Australian Standard 1319, and the following legislation:

- a) The *Construction Safety Act 1912* (as amended).
- b) The *Occupational Health and Safety Regulations 1988*.
- c) The *Waste Disposal Act 1970* (as amended).

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence.

D10 Disposal of Asbestos

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos.

D11 Remediation Works

The Proponent shall carry out the project in accordance with the requirements of the *Remediation Action Plan* prepared by Gilbert & Sutherland Pty Ltd dated October 2013 ('RAP') or any amended version of this document approved by the Accredited Contaminated Land Auditor in accordance with Condition B12.

D12 Trade Waste

The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

D13 Removal of Material

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

D14 Surrounding Road Carriageways

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.

D15 Construction adjoining public Roads, Parks etc

Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

D16 Burning of Vegetation

The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials shall either be recycled or disposed of in a manner acceptable to the PCA.

D17 Damage to Public Infrastructure

Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design Specifications and Development Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

D18 Qualified Environmental Officer

An appropriately qualified Environmental Officer(s), that is to receive the prior approval of the **Secretary**, shall be engaged by the proponent for the duration of the works including, but not limited to, habitat restoration works, environmental rehabilitation works and proposed planting areas. Their role shall be to oversee environmental compliance of the project until conditions have been satisfied.

Site Maintenance

D19 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project to the satisfaction of the council, and until all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Noise and Vibration

D20 Hours of Work

Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sundays or Public Holidays

The Certifying Authority is responsible to instruct and control subcontractors regarding hours of work.

D21 Construction Noise Objective

- 1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by more than 5dB(A).
- 2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- 4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D22 Construction Noise Management

All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which the PCA deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

D23 Vibration Criteria

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

D24 Use of Vibratory Compaction Equipment

The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

D25 Use of Crushing Plant Machinery

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

Geotechnical

D26 Geotechnical Engineer

A suitably qualified Geotechnical Engineer is required onsite during remediation of the identified landslips of the site to:

- i.) Confirm the competency of the base;
- ii.) Identify the points of seepage entry; and,
- iii.) Provide instructions on the construction of the seepage control.

D27 Filling of the Site

- 1) Any imported fill material shall be from an approved source.
- 2) Prior to the commencement of filling operations, details of the source of fill, description of material and documentary evidence that the fill material is free of any contaminants, and details of the proposed haulage route shall be submitted to the PCA for approval.
- 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. Fill adjacent to these boundaries is to be placed mechanically;
 - b) All fill and cut batters shall be contained wholly within the subject site;
 - c) All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Development Design Specifications and Development Construction Specifications
 - d) and to the satisfaction of the Principal Certifying Authority.
 - e) Upon completion, all topsoil to be respread and the site to be grassed and landscaped including battered areas.

D28 Earthworks

Proposed earthworks shall be carried out in accordance with AS 3798, "*Guidelines on Earthworks for Commercial and Residential Developments*". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

D29 No Ponding of Surface Water

All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

D30 Retaining Walls

All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.

Road Construction

D31 Prior to Road Construction

Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to the PCA for approval and demonstrating.

- a) That the pavement has been designed in accordance with Tweed Shire Councils *Development Design Specification, D2*.
- 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.
- 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 3798-1996.

D32 During Road Construction

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 Councils Development Design Specifications and Development Construction Specifications.
- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

D33 Temporary Turning Areas

Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages is required. 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.

D34 Pram Ramps

Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

D35 Road Names

The applicant 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.

Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

Stormwater and Drainage

D36 Stormwater

- 1) Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.
- 2) All stormwater gully 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.
- 3) Regular inspections shall be carried out by the Supervising Engineer on site to ensure that

adequate erosion control measures are in place and in good condition both during and after construction.

- 4) Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
- 5) This inspection program is to be maintained until the maintenance bond is released or until the PCA is satisfied that the site is fully rehabilitated.

D37 Monitoring of Stormwater Management System

The stormwater drainage system shall be monitored throughout construction of each stage of the project to demonstrate that it satisfactorily complies with the intended design and the *Tweed Shire Council's Development Control Plan Stormwater Design Specification*. Amendments to the system may be required to ensure compliance.

D38 Failure of Water Quality Monitoring

Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the water quality monitoring being carried out on the site.

D39 Water drawn from Council's Reticulated System

All water drawn from Councils reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

D40 Acid Sulfate Soil Assessment and Management Plan

All works shall be completed in accordance with the *Acid Sulfate Soil Assessment and Management Plan Altitude Aspire, Terranora, Gilbert & Sutherland*, April 2012 (10849-ASSA&MP) to the satisfaction of the PCA. All works associated with disturbances of materials identified in this Management Plan and related water quality monitoring shall be supervised or conducted by an appropriately qualified environmental consultant.

D41 Runoff from Acid Sulphate Treatment Areas

- 1) Intercepted groundwater and surface water runoff from acid sulphate treatment areas shall be directed to the on-site stormwater treatment basins prior to release from the site.
- 2) Prior to release of any surface or groundwater (associated with identified acid sulphate soil treatment and management areas) from on-site water treatment basins water quality monitoring shall be conducted to ensure that identified water quality release criteria under the adopted *Acid Sulfate Soil Assessment and Management Plan* have been complied with. All monitoring results shall be retained on site and provided to an authorised Council officer upon request.

D42 Discharge Water Quality

Should any failure be identified in relation to identified discharge water quality objectives then works shall cease until such time as a dewatering management plan has been submitted to the satisfaction of the PCA. All works shall comply with the approved plan.

D43 Water discharged from the site

All water discharged from the site during the construction phase shall comply with the pH range 5 to 8.5.

Heritage

D44 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

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

D45 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

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) and the Office of Environment and Heritage are to be notified immediately, in accordance with the provisions of the *National Parks and Wildlife Act 1974*. 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 the Office of Environment and Heritage to develop and implement management strategies for all objects/sites.

Inspections

D46 Council Inspections

Tweed Shire Council shall be given a minimum 24 hours' notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D. Inspection fees are based on the rates contained in Council's current Fees and Charges:

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, cycleways - formwork/reinforcement
- h) Final Practical Inspection - on maintenance
- i) Off Maintenance inspection

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 Practical Inspection - on maintenance
- i) Off maintenance

Sewer Pump Station and Lift Stations

- 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.

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

The fee for the abovementioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.

D47 Inspection of Roads

During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993, if relevant. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

D48 Inspection of stormwater quality control devices

During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling - if relevant. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

PART E — PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

E1 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979* for each stage of the subdivision.

The following information must accompany an application:

- a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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.

E2 Completion in accordance with Plan

Prior to issue of a subdivision certificate for a stage, all works/actions/inspections etc required by other conditions or approved management plans or the like shall, to the extent that they are relevant and required for that stage to be completed in accordance with those conditions or plans. A Subdivision Certificate will not be issued by the PCA until such time as all conditions of this project approval relevant to the stage have been complied with.

E3 Voluntary Planning Agreement

The Proponent shall pay all monetary contributions, and carry out all other actions required under the Voluntary Planning Agreement to Council to correspond with the Stage(s) being released, prior to the issue of each Subdivision Certificate for the development, or as otherwise specified in the VPA.

Developer Contributions

E4 Section 64 Contributions

A Certificate of Compliance under section 307 of the Water Management Act 2000 is to be obtained from Council prior to the issue of a Subdivision Certificate for each stage of the development, to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council. The amount of the water and sewer section 64 contributions shall be in accordance with the rates contained in Council's fees and charges which are applicable at the time of payment.

E5 Section 7.11 Contributions

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

Prior to the issue of any Interim or Final Occupation Certificate, all section 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 7.11 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

CONSOLIDATED CONSENT

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

Contributions will be indexed at the time of payment in accordance with the provisions of the relevant contribution plan.

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 4a	175.5	\$2370	\$415,935
Stage 4b	169	\$2370	\$400,530
Stage 5	136.5	\$2370	\$323,505
Stage 6a	58.5	\$2370	\$138,645
Stage 6b	0	\$2370	\$0
Stage 7a	65	\$2370	\$154,050
Stage 7b	13	\$2370	\$30,810
Stage 8a	91	\$2370	\$215,670
Stage 8b	32.5	\$2370	\$77,025
Stage 9	117	\$2370	\$277,920
Stage 10	58.5	\$2370	\$138,645
Stage 11	130	\$2370	\$308,100
Stage 12	58.5	\$2,871.44	\$167,979.30
Stage 13	84.5	\$2,871.44	\$242,636.77
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 4a	27	\$985	\$26,595
Stage 4b	26	\$985	\$25,610
Stage 5	21	\$98	\$20,685
Stage 6a	9	\$985	\$8,865
Stage 6b	0	\$985	\$0
Stage 7a	10	\$985	\$9,850
Stage 7b	2	\$985	\$1,970
Stage 8a	14	\$985	\$13,790
Stage 8b	5	\$985	\$4,925
Stage 9	18	\$985	\$17,730
Stage 10	9	\$985	\$8,865
Stage 11	20	\$985	\$19,700
Stage 12	9	\$1,214.47	\$10,930.23
Stage 13	13	\$1,214.47	\$15,788.11
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	\$1792
Stage 3	24	\$64	\$1536
Stage 4a	27	\$75	\$2,025
Stage 4b	26	\$75	\$1,950

CONSOLIDATED CONSENT

Stage 5	21	\$75	\$1,575
Stage 6a	9	\$75	\$675
Stage 6b	0	\$75	\$0
Stage 7a	10	\$75	\$750
Stage 7b	2	\$75	\$150
Stage 8a	14	\$75	\$1,050
Stage 8b	5	\$75	\$275
Stage 9	18	\$75	\$1,350
Stage 10	9	\$75	\$675
Stage 11	20	\$75	\$1,500
Stage 12	9	\$90.41	\$813.69
Stage 13	13	\$90.41	\$1,175.33
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 4a	27	\$140	\$3,780
Stage 4b	26	\$140	\$3,640
Stage 5	21	\$140	\$2,940
Stage 6a	9	\$140	\$1,260
Stage 6b	0	\$140	\$0
Stage 7a	10	\$140	\$1,400
Stage 7b	2	\$140	\$280
Stage 8a	14	\$140	\$1,960
Stage 8b	5	\$140	\$700
Stage 9	18	\$140	\$2,520
Stage 10	9	\$140	\$1,260
Stage 11	20	\$140	\$2,800
Stage 12	9	\$165.17	\$1,486.53
Stage 13	13	\$165.17	\$2,147.21
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 4a	27	\$1624	\$43,848
Stage 4b	26	\$1624	\$42,224
Stage 5	21	\$1624	\$34,014
Stage 6a	9	\$1624	\$14,616
Stage 6b	0	\$1624	\$0
Stage 7a	10	\$1624	\$16,240
Stage 7b	2	\$1624	\$3,248
Stage 8a	14	\$1624	\$22,736
Stage 8b	5	\$1624	\$8,120
Stage 9	18	\$1624	\$29,232
Stage 10	9	\$1624	\$14,616
Stage 11	20	\$1624	\$32,480
Stage 12	9	\$2,290.45	\$20,614.05
Stage 13	13	\$2,290.45	\$29,775.85
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

CONSOLIDATED CONSENT

Stage 3	24	\$1860.31	\$44,647.44
Stage 4a	27	\$2,195.88	\$59,288.76
Stage 4b	26	\$2,195.88	\$57,092.88
Stage 5	21	\$2,195.88	\$46,113.48
Stage 6a	9	\$2,195.88	\$19,762.92
Stage 6b	0	\$2,195.88	\$0
Stage 7a	10	\$2,195.88	\$21,958.80
Stage 7b	2	\$2,195.88	\$4,391.76
Stage 8a	14	\$2,195.88	\$30,742.32
Stage 8b	5	\$2,195.88	\$10,979.40
Stage 9	18	\$2,195.88	\$39,525.84
Stage 10	9	\$2,195.88	\$19,762.92
Stage 11	20	\$2,195.88	\$43,917.60
Stage 12	9	\$2,849.51	\$25,645.59
Stage 13	13	\$2,849.51	\$37,043.63
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 4a	27	\$555	\$14,985
Stage 4b	26	\$555	\$14,430
Stage 5	21	\$555	\$11,655
Stage 6a	9	\$555	\$4,995
Stage 6b	0	\$555	\$0
Stage 7a	10	\$555	\$5,550
Stage 7b	2	\$555	\$1,110
Stage 8a	14	\$555	\$7,770
Stage 8b	5	\$555	\$2,775
Stage 9	18	\$555	\$9,990
Stage 10	9	\$555	\$4,995
Stage 11	20	\$555	\$11,100
Stage 12	9	\$672.93	\$6,065.37
Stage 13	13	\$672.93	\$8,748.09
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 4a	27	\$1282	\$34,614
Stage 4b	26	\$1282	\$33,332
Stage 5	21	\$1282	\$26,922
Stage 6a	9	\$1282	\$11,538
Stage 6b	0	\$1282	\$0
Stage 7a	10	\$1282	\$12,820
Stage 7b	2	\$1282	\$2,564
Stage 8a	14	\$1282	\$17,948
Stage 8b	5	\$1282	\$6,410
Stage 9	18	\$1282	\$23,076
Stage 10	9	\$1282	\$11,538
Stage 11	20	\$1282	\$25,640
Stage 12	9	\$1,553.45	\$13,981.06
Stage 13	13	\$1,553.45	\$20,194.87
Regional Open Space Contribution Plan No 26 – Structured			
	No. of ET	\$ per ET (\$3619 base rate + \$211 indexation)	Sub-Total

CONSOLIDATED CONSENT

Stage 1	35	\$3830	\$134,050
Stage 2	28	\$3830	\$107,240
Stage 3	24	\$3830	\$91,920
Stage 4a	27	\$4500	\$121,500
Stage 4b	26	\$4500	\$117,000
Stage 5	21	\$4500	\$94,500
Stage 6a	9	\$4500	\$40,500
Stage 6b	0	\$4500	\$0
Stage 7a	10	\$4500	\$45,000
Stage 7b	2	\$4500	\$9,000
Stage 8a	14	\$4500	\$63,000
Stage 8b	5	\$4500	\$22,500
Stage 9	18	\$4500	\$81,000
Stage 10	9	\$4500	\$40,500
Stage 11	20	\$4500	\$90,000
Stage 12	9	\$5,452.59	\$49,073.28
Stage 13	13	\$5,452.59	\$70,883.63
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1		\$806,813.85	
Stage 2		\$645,450.68	
Stage 3		\$553,243.44	
Stage 4a		\$722,570.76	
Stage 4b		\$695,808.88	
Stage 5		\$561,999.48	
Stage 6a		\$240,856.92	
Stage 6b		\$0	
Stage 7a		\$267,618.80	
Stage 7b		\$53,523.76	
Stage 8a		\$374,666.32	
Stage 8b		\$133,809.40	
Stage 9		\$481,713.84	
Stage 10		\$240,856.92	
Stage 11		\$535,237.60	
Stage 12		\$296,580.10	
Stage 13		\$428,393.49	

E7 Compliance Certificate

Prior to the application for a Subdivision Certificate for each stage of the subdivision a Compliance Certificate or Certificates shall be obtained from Council or an accredited certifier for the following:-

- a) Compliance Certificate - Roads
- b) Compliance Certificate - Water Reticulation
- c) Compliance Certificate - Sewerage Reticulation
- d) Compliance Certificate – Drainage
- e) Compliance Certificate – Sewerage Pump Station

Note:

1. 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 development consent, the construction certificate, Tweed Shire Council's *Development Control Plan Part A5 - Subdivisions Manual* and Councils *Development Design and Construction Specifications*.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier".

E8 Certificate of Compliance – Fill Material

Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by an Accredited Certifier, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments" and is suitable for residential purposes. The submission shall include copies of all undertaken test results.

E9 Work as Executed Plans – Services within Easements

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate for each stage of the project. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent, in accordance with the Construction Certificate under the supervision of an engineer or surveyor approved by the Council.

Prior to the issue of a Subdivision Certificate for each stage of the subdivision, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's *Development Control Plan Part A5 - Subdivision Manual* and Council's *Development Design Specification, D13 - Engineering Plans*. The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer certifying that:

- a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision; and
- b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

E10 - Deleted

E11 Street Numbering and Address

Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots prior to the issue of the Subdivision Certificate for each stage of the subdivision. In accordance with clause 60 of the Surveying and *Spatial Information Regulation 2012* the Plan of Subdivision (Deposited Plan) shall show the approved street address for each new lot in the deposited plan.

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

E12 Asset Creation Form

Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to the PCA at the same time an application is made for a Subdivision Certificate.

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

CONSOLIDATED CONSENT

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 (including the allotments approved under MP09 0166 MOD 5), in accordance with the requirements of Council.
- e) A Restriction As To User over Lot 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 1 May 2019.
- g) A Restriction as to user requiring fencing along the rear of ~~medium density~~ lot 701 (as modified under MP09 0166 MOD 5) adjoining public open space and drainage reserve areas to be an aluminium and timber (open form) fence with screen planting and adjoining cycle path as provided in the Landscape Masterplan prepared by Form Landscape Architects dated 1 May 2019, *and requiring a 5m boundary setback for Lot 701 (as modified under MP09 0166 MOD 5)* 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 ~~254-277~~ residential lots and detail what slope category the allotments fall within (having regard to the revised Structural Systems as prepared by Local Office Architecture Version SK.0002 and dated ~~29 June 2019 Issue 1~~ 4 September 2024). 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_9) dated 9 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.
- o) The creation of an Easement to Drain Water over the inter-allotment stormwater line across Lot 4 (western side of Market Parade, within the existing Lot 752).
- p) The creation of an Easement over the sewer and stormwater infrastructure within existing Lot 701 to service Lots 1 – 10 (as approved under MP09 0166 MOD 5).

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.

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.

E15 Defect Liability Bond

Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council for each stage of the project. The bond shall be based on 5% of the value of the public infrastructure works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

E16 Defects Liability Period

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

E17 Inspection prior to the end of defects liability period

Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of any stormwater pipes and gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council.

Any defects identified by the inspection are to be repaired in accordance with Council's Development Design Specifications and Development Construction Specifications

All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

E18 Performance Bond

Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

E19 Further Dilapidation Report

- 1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works for each stage of the subdivision. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- 2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads (that has not been rectified or subject to an arrangement agreed between it and the Proponent).
- 3) A copy of this report is to be forwarded to the Department and Council.

Earthworks/Geotechnical/Remediation

E20 Retaining Walls

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Subdivision Certificate application for each affected staged of the subdivision and shall state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

E21 Geotechnical Certification

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

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

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

E22 Validation of the Remediation Works

Prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision, the following shall be provided to the Council and the department:-

- 1) Upon completion of the remediation works, a Section A Site Audit Statement ('SAS') and validation from a NSW EPA accredited Site Auditor, which certifies that the land is suitable for the proposed residential use, must be provided to the Council and the department prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision.
- 2) A Site Audit Report prepared by a NSW EPA accredited Site Auditor in accordance with the NSW EPA (1997) 'Guidelines for Consultants Reporting on Contaminated Sites', which details the extent of remediation works undertaken on the site shall also be provided to the Council and department prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision.

Traffic and Access

E23 Civil works

- 1) All civil works approved with the Construction Certificate are to be completed to the satisfaction of Council prior to issue of a Subdivision Certificate for each stage of the project. All works are to be completed in accordance with Council's *Subdivision Code*
- 2) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design Specifications and Development Construction Specifications prior to the issue of a Subdivision Certificate for each stage of the project.

Services

E24 Water Supply

Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with conditions of consent, Tweed Shire Council's *Development Control Plan Part A5 - Subdivisions Manual*, Councils *Development Design and Construction Specifications* and the Construction Certificate approval(s). The *Environmental Planning and Assessment Act, 1979* (as amended) makes no provision for works under the *Water Management Act, 2000* to be certified by an Accredited Certifier.

E25 Sewage Pump Station

- 1) **An accurate plan of the Sewage Pumping Station site and Water Pressure Boosting Pump Station (WPBPS) site shall be submitted to Council 60 days prior to lodgement of the relevant Application for a Subdivision Certificate that will create either or both of the sites, to allow the land to be classified. 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.**
- 2) **The site of the Sewage Pumping Station and WPBPS shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the relevant Plan of Subdivision.**

E26 Accurate Plan of Subdivision

60 days prior to lodgment of Application for a Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land, as detailed in the *Local Government Act 1993*.

E27 Telecommunications

The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply at the front boundary of all allotments being created, must be submitted prior to issue of a Subdivision Certificate for each stage of the project. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the subdivision is required to provide a pit and conduit network to allow for the installation of fibre to the home (FTTH) broadband services.

E28 Electricity

- 1) The following is required prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision:-
 - a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
 - b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights are to be capable of being energised following a formal request by Council.
- 2) Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.
- 3) Compensatory measures may be pursued by the Council for any significant effect on Public Reserves or Drainage Reserves.

Open Space / Landscaping

E29 Dedication of Public Reserves

Prior to the release of a Subdivision Certificate for each stage of the project, all Public Reserves/casual open space areas shall be suitably embellished at no cost to Council in accordance with the approved detailed landscape plans. The public reserves/public open space areas shall be dedicated to Council upon registration of the Plan of Subdivision.

The exception to pre-dedication embellishment is playground equipment and soft fall. Council will undertake the installation when 20% or more of the relevant stage's allotments are occupied. The developer must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and a bank guarantee or cash contribution equivalent to the value of such items.

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 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.

E31 Vegetation Management Maintenance

All works associated with the Vegetation Management and Rehabilitation Plan (excluding ongoing maintenance) is to be completed to the satisfaction of the PCA prior to the release of the relevant Subdivision Certificate for that stage.

E32 Landscape Bond

A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the proponent prior to the issue of any Subdivision Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non-compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

E33 Works As Executed Plans – Open Space

Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted to the Council for approval 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,

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.

An electronic copy in DWG or DXF format on CD or an approved medium are required.

Dedication of Land

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 **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.

E35 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and 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.

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.

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 (*Pianigale maculata*)

FOR INFORMATION

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the Subdivision Certificate, and
- (3) the principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Structural Capability for Existing Structures

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN6 Stormwater drainage works or effluent systems

A Construction Certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and

- (2) management of waste.

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN7 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* 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 Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN8 Disability Discrimination Act

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 Proponent/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.

AN9 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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 Environment Australia 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.

AN10 Airspace Controls

- (1) The Commonwealth airspace approvals should be obtained prior to construction for any building or structure which would constitute a "controlled activity" under the Commonwealth Airports Act, by virtue of penetration of the OLS and/or PANS-OPS surfaces of Gold Coast Airport.
- (2) Commonwealth airspace approvals are also to be obtained for any temporary penetration of the airspace for erection of construction cranes prior to construction.
- (3) With regard to the approvals for any building or structure under the BCA, consultation is to be undertaken with the Gold Coast Airport during the preparation of the applications to ascertain criteria for height limit determination.

SCHEDULE 3

STATEMENT OF COMMITMENTS

(OCTOBER 2013)

MP 09_0166

FOR INFORMATION