

DARRYL ANDERSON CONSULTING PTY LTD

TOWN PLANNING & DEVELOPMENT CONSULTANTS

MODIFICATION OF MAJOR PROJECT APPROVAL NO. 05_0192

PROPOSED ALTERATIONS AND ADDITIONS TO POTTSVILLE NORTH HOLIDAY PARK AT LOTS 1 AND 2 DP 731761, LOT 7016 DP 1055269 AND LOT 522 DP 822808 TWEED COAST ROAD POTTSVILLE (TWEED SHIRE)

PREPARED FOR:

TWEED COAST HOLIDAY PARKS RESERVES TRUST

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

MARCH 2007

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ANNEXURES

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ANNEXURE A	Copy of Major Project Approval No. 05_0192
ANNEXURE B	Copy of Consent Plan – Drawing No. C/00, ISG, December 2005
ANNEXURE C	Owner's Consent Letter from the Departments of Lands dated 5 April 2007
ANNEXURE D	Completed Modification Application Form

Darryl Anderson Consulting Pty Ltd A.C.N. 093 157 165

Town Planning & Development Consultants

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PROPOSED ALTERATIONS AND ADDITIONS TO POTTSVILLE NORTH HOLIDAY PARK AT LOTS 1 AND 2 DP 731761, LOT 7016 DP 1055269 AND LOT 522 DP 822808 TWEED COAST ROAD, POTTSVILLE (TWEED SHIRE)

1.0 INTRODUCTION

Tweed Coast Holidays Parks Reserves Trust has commissioned Darryl Anderson Consulting Pty Ltd to prepare an application for modification of Ministerial Approval No. 05_0192 for alterations and additions to the Pottsville North Holiday Park located on the Tweed Coast Road at Pottsville. A copy of the conditions of approval is contained at **Annexure A**.

2.0 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS

Section 75W of the Act facilitates the lodgement and determination of an application to modify a Part 3A approval. Section 75W is in the following terms:

"Modification of Minister's approval

75W

(1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

Modification of approval means changing the terms of a Minister's approval, including:
 (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and

- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which Section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request with 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
 (a) an approval granted by or as directed by the Court on appeal, or
 (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

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(7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan."

Currently there are no regulations of relevance to a modification application.

3.0 PROPOSED MODIFICATIONS

3.1 Staging

The approval does not contemplate construction of the project in stages which is now required to enable Areas A - F to be developed as Stage 1 and Area G to be developed as Stage 2.

Areas A - F essentially involve rationalisation and upgrading of existing sites and facilities to achieve compliance with current regulations; improve efficiency and achieve better quality accommodation for future residents.

Area G involves the construction of new sites to initially accommodate residents relocating from the Tweed Waters Caravan Park (also known as the Banora Point Caravan Park). However, at this stage it is unclear how many of the eighteen sites in Area G will be required or when they will be required.

Modification of the Part 3A approval is therefore requested to enable the creation of the Sites S12 – S29 in Area G on an as and when required basis having regard to demand considerations. Staging as proposed can be facilitated by inclusion of a new Condition 2A in the following terms:

"2A the project may be constructed in two stages, subject to compliance with relevant conditions, as follows:

Stage 1 - Areas A - F.

Stage 2 – Area G. Sites S12 – S29 in Area G may be constructed and used individually or in groups on an as and when required basis having regard to demand considerations."

3.2 Consequential and Other Modifications

Staging of the project gives rise to a requirement for consequential modifications to several other conditions as follows:

Condition 4

This Condition is in the following terms:

"Prior to the placement of any structures on new sites, the park shall obtain from Council an updated Section 68 approval to operate."

Modification of this Condition is requested to reflect the proposed staging. The modified Condition is as follows:

"Prior to the placement of any structures on new sites, the park shall obtain from Council an updated Section 68 approval to operate, subject to the staging arrangements contained in this consent."

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Condition 8

This condition is in the following terms:

"The eighteen long term sites contained within Area 'G' are to revert to short term sites once each individual long term tenant vacates these sites. Once the entire initial tenants of Area 'G' have vacated these sites the number of approved sites in the park shall not be greater than 43 long term, 106 short term, and 35 camp sites.

Residents relocating from Tweed Waters Caravan Park, also known as Banora Point Caravan Park, will be given first preference for the long-term sites in Area 'G', on a "whole of life" basis.

The tenancy agreements for the Area 'G' sites will stipulate that the tenancy does not include any right of sale and/or assignment or sub-letting in keeping with the provisions of Section 41(4)(b) and 80(2) of the Residential Parks Act 1998."

Modification of this condition is required to satisfy the requirements of the Department of Lands (see **Annexure C**).

Modified Condition 8 is as follows:

"The eighteen long term sites contained within Area 'G' are to revert to short term sites once each individual long term tenant vacates these sites. Once the entire initial tenants of Area 'G' have vacated these sites the number of approved sites in the park shall not be greater than 43 long term, 106 short term and 35 camp sites. Only Residents relocating from Tweed Waters Caravan Park, also known as Banora Point Caravan Park, will be offered the long term sites in Area 'G'. Such an offer will be on a "whole of life" basis. Where such an offer is not taken up by a resident from the said Tweed Waters Caravan Park the Area 'G' sites will automatically revert to short term sites.

The tenancy agreements for the Area 'G' sites will stipulate that the tenancy does not include any right of sale and/or assignment or sub-letting in keeping with the provisions of Sections 41(4)(b) and 80(2) of the Residential Parks Act 1998."

Condition 35

This Condition is in the following terms:

"Habitable buildings within the areas E and F are to fully comply with the requirements of Level 3 construction as required by Australian Standard AS3959-1999 - Construction of Buildings in Bushfire Prone Areas."

This Condition cannot be complied with as habitable buildings (lawfully erected) already exist on areas E and F. Modification of this condition is therefore requested such that it only applies to any new habitable buildings erected on these areas. The modified Condition is as follows:

"Any new habitable buildings installed after the date of approval of Major Project Application No.05_0192 within Areas E and F are to fully comply with the requirements of Level 3 construction as required by Australian Standard AS3959-1999 – Construction of Buildings in Bushfire Prone Areas."

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Condition 37 – Section 94 Contributions

Contribution	Stage 1 – 2 Additional Sites	Stage 2 – 18 Additional Sites
(a)	\$4033.00	\$23155.00 or \$1286.39 per site
(b)	\$ 102.00	\$ 918.00 or \$ 51.00 per site
(c)	\$ 148.80	\$ 1339.20 or \$ 74.40 per site
(d)	\$ 89.90	\$ 809.10 or \$ 44.95 per site
<u>(</u> e)	\$ 17.40	\$ 156.60 or \$ 8.70 per site
(f)	\$ 76.20	\$ 685.80 or \$ 38.10 per site
(g)	\$ 680.00	\$ 6120.00 or \$ 340.00 per site
(h)	\$1483.46	\$13351.14 or \$ 741.73 per site
(j)	\$ 290.10	\$ 2610.90 or \$ 145.05 per site
Ű	\$ 304.20	\$ 2737.80 or \$ 152.10 per site
(k)	\$ 696.60	\$ 6269.40 or \$ 348.30 per site

The following table provides details of the contributions for each stage.

Condition 38 – Section 64 – Water and Sewer Headworks Contributions

The following table provides details of the contributions for each stage.

Contribution	Stage 1 – 2 Additional Sites	Stage 2 – 18 Additional Sites		
Water	0.8 ET – \$3678.00	9.0 ET - \$41382.00 or \$2299.00 per site		
Water Levy 0.8 ET - \$1440.00		9.0 ET - \$16200.00 or \$900.00 per site		
Sewer	1 ET – \$2863.00	10.8 ET - \$30920.00 or \$1717.80 per site		

4.0 ENVIRONMENTAL ASSESSMENT

Modification of the consent as proposed is administrative in nature and will simply enable construction of the project to proceed in logical stages. Therefore no additional impacts are likely to arise and indeed staging will further mitigate potential adverse impacts on the natural environment by limiting the number of sites created in Area G to those actually required to accommodate relocating tenants. In the circumstances it is therefore submitted that the Environmental Assessment accompanying the original Major Project Application (Darryl Anderson Consulting Pty Ltd, July 2006) provides an adequate Environmental Assessment of the modified project.

5.0 CONCLUSION

Modification of the conditions and terms of the approval as proposed is authorised by Section 75W (1)(a) and (b) of the Environmental Planning and Assessment Act. The modifications do not give rise to any physical changes to the scale, nature or footprint of the approved project and therefore no impacts other than those addressed in the original Environmental Assessment are likely to arise. Modification of the approval is therefore sustainable and in the public interest and approval of the application is therefore respectfully requested.

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ANNEXURE A Copy of Major Project Approval No. 05_0192

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 05_0192

GENERAL

1. The issue of this Major Project Approval does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

 The development shall be completed in accordance with the Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd and Plan Nos C-00, C-01, C-02, C-03 and C-04 prepared by Integrated Site Design and dated December 2005, except where varied by the conditions of this approval.

[GEN0005]

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

[GEN0135]

4. Prior to the placement of any structures on new sites the park shall obtain from Council an updated Section 68 approval to operate.

[GENNS01]

- Where directed by Council officers the boundary of a site shall be marked to the satisfaction of the Director of Environment and Community Services.
- 6. New structures shall not be placed in the buffer zone between the boundary of the property and any site boundary.

[GENNS01]

- The number of approved sites in the park shall be not greater than 61 long term, 88 short term and 35 camp sites other than complying with Condition 8 of this approval. [GENNS01]
- 8. The eighteen long term sites contained within Area 'G' are to revert to short term sites once each individual long term tenant vacates these sites. Once the entire initial tenants of Area 'G' have vacated these sites the number of approved sites in the park shall not be greater than 43 long term, 106 short term and 35 camp sites.

Residents relocating from Tweed Waters Caravan Park, also known as Banora Point Caravan Park, will be given first preference for the long-term sites in Area 'G', on a "whole of life" basis.

The tenancy agreements for the Area 'G' sites will stipulate that the tenancy does not include any right of sale and/or assignment or sub-letting in keeping with the provisions of Sections 41(4)(b) and 80(2) of the Residential Parks Act 1998.

 This approval is for an additional 20 long term (LT) sites and the deletion of 8 short term (ST) sites resulting in a total of 61 LT and 88 ST sites. Eighteen (18) of the twenty (20) LT sites will revert to ST sites once the initial tenants vacate the sites (the 18 sites are described as Area 'G'). The details of the proposal are as follows: -

Area A: This area currently contains an amenities block, this block is to be demolished and replaced by two (2) new long term (LT) sites.

Area B: This area currently is vacant, with the site proposed for the location of the new amenities building. Parallel to the proposed amenities building to the east adjacent to Tweed Coast Road is the proposed location of ten (10) visitor car spaces to accommodate for the increase in sites.

Area C: This area is currently vacant, two (2) new LT sites are proposed in the area.
 Area D: This area currently contains four (4) LT sites, a reconfiguration of the area proposes a net yield of three (3) sites. This is a reduction of one (1) LT site.

- Area E: This area currently contains two (2) existing structures over three (3) sites, a reconfiguration of these sites is proposed to conform to the two existing structures therefore a loss of one (1) LT site.
- Area F: This area currently contains one (1) large cabin, which accommodates three (3) units for ST accommodation. The proposal seeks to remove the cabin and create two (2) new LT sites.
- Area G: This area is generally underdeveloped land apart for a sealed, fenced off area to the north adjacent to the Bowling Club for the storage of caravans. This area proposes eighteen (18) LT sites all serviced by road, water, power and sewer.

[GENNS01]

- 10. A minimum of 10 new clearly identified visitor car parking spaces shall be provided, and the dimensions of those parks shall comply with Clause 97(3) of the Regulations. [GENNS01]
- 11. Each new site shall be provided with an on-site car parking space in accordance with Clause 96 of the Regulations.

[GENNS01]

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- 12. Sites s12 s29 shall be designated long term, and shall revert to short term sites once they are vacated by the initial tenants.
- 13. A post earth works surface radiation survey (in the area where 18 new LT sites are created) shall be completed and a validation statement provided to Council, prior to commencement of use, which establishes that surface radiation levels are below relevant NSW Health Action Levels.

[GENNS01]

14. All structures placed on sites s12 - s29 shall be self-contained, or laundry, shower and toilet facilities provided to each site prior to the placement of any structures on the relevant sites.

[GENNS01]

[GENNS01]

[GENNS01]

15. Street lighting shall be provided in accordance with Clause 100 of the Regulations.

- 16. Fire hydrants and hose reels shall be provided in accordance with Clauses 128 & 129 of the Regulations.
- 17. Minimum road widths shall comply with Clause 94 of the Regulations.
- 18. Speed limit signs shall be provided in accordance with Clause 95 of the Regulations. [GENNS01]
- 19. Road surfaces shall comply with Clause 99 of the Regulations.

[GENNS01]

20. Amenities buildings shall be constructed in accordance with the provisions of Clause 110 of the Regulations.

[GENNS01]

- 21. The area directly to the west of Area 'G' to a distance of 40 metres shall be maintained as an 'Inner Protection Area' (IPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'. No clearing of vegetation west of the Osprey nesting pole adjacent to Area 'G' is permitted.
- 22. The amelioration measures contained within Section 6.2 of the Flora and Fauna Assessment prepared by Aspect North contained within the Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd are to be undertaken to minimise impacts of the proposed works.

[GENNS02]

- 23. A detailed Vegetation Management Plan is to be submitted to Council and approved by the General Manager or his delegate prior to issue of a construction certificate or works commencing whichever occurs first. The Plan will include the provision of:
 - a. A vegetative buffer between sites s24 to s29 and the property boundary.
 - b. A vegetative buffer between sites s17, s18 and s29 and the Tweed Coast Road property boundary.
 - c. A vegetative buffer between sites s3 and s4 and the property boundary.
 - d. A vegetative buffer shall be placed and maintained between site s4 and the Tweed Coast Road property boundary.

[GENNS01]

24. The mature trees in Area 'G' are to be retained. In this regard a plan showing the trees to be retained is to be submitted to Council for approval by the General Manager or his delegate prior to works commencing.

[GENNS02]

- 25. The park owner reserves the right to refuse an application to install a movable dwelling onto any long term site in the park where it in its absolute discretion it believes the proposed movable dwelling is not of a suitable and/or satisfactory standard.
- 26. All current and future residents acknowledge that the park rules expressly prohibit the keeping of pets other than those allowed for by law, for example, an assistance animal.
- 27. All sites within Area 'G' shall be situated a minimum 80 metres from the western bank of Cudgera Creek.
- 28. A 20 metre APZ shall be provided to the south of Area 'G', and maintained as an 'Inner Protection Area' (IPA) as outlined within Section 4.2.2 in 'Planning for Bushfire Protection 2001'.
- 29. Roofing shall be gutterless or have leafless guttering and valleys, which are to be screened with non corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater then 5.
- 30. Shade cloth materials proposed for this development shall have a flammability index of no greater than 5 as measured against the performance requirements of AS1530:2:1993.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

31. The applicant is to liaise with the NSW Rural Fire Service regarding suitable bushfire 33 protection measures for Areas 'E' and 'F'.

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- 32. Access to Area 'G' is to comply with Section 4.3.1 of 'Planning for Bushfire Protection 2001' or an alternative arrangement to the satisfaction of the NSW Rural Fire Service.
- 33. An alternative access point shall be provided directly linking the internal access roads within Area 'G' to Tweed Coast Road.
- 34. Reticulated water supply shall comply with AS2419 1994 'Fire Hydrant Installations -Systems Design Installations and Commissioning'. Locations of fire hydrants are to be delineated by Blue pavement markers in the centre of the road.
- 35. Habitable buildings within Areas 'E' and 'F' are to fully comply with the requirements of Level 3 constructions as required by Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas'.
- 36. Habitable buildings within Areas 'A', 'C', 'D', and 'G' are to fully comply with the requirements of Level 1 constructions as required by Australian Standard AS3959-1999'Construction of buildings in bushfire-prone areas'.
- 37. Section 94 Contributions

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

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Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

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

These charges will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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.

(a) Tweed Road Contribution Plan: \$27,188
 S94 Plan No. 4 (Version 4.0)
 Sector8a_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 4.1 prior to the issue of a construction certificate or subdivision certificate, whichever occurs first. The contribution shall be based on the following formula:-

 $Con_{TRCP - Heavy} = Prod. x Dist x Unit x (1+Admin.)$

where:

\$Con TRCP - Heavy heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads

	\$Unit Admin.	(trip one way) the unit cost attrib (currently 2.5c per Administration cor	tonne per l	kilometre)		tion 6.4
(b)	Open Spa S94 Plan I		61,020	- GI		V
(c)	Open Spa S94 Plan I	ce (Casual): \$1,488 No. 5	}	70.0	A	\checkmark
(d)	Shirewide S94 Plan N	Library Facilities: \$	899 7-0	- 0	cc	~
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(f)	Community S94 Plan N South Coa		Coast - Sou	th) \$762		1
(g)	Emergency S94 Plan N	y Facilities (Surf Life Io. 16	esaving) \$	6,800	- 340	1
(h)		to Council Adminis al Support Facilities Io. 18	\$14,83		105 0	5
(i)	Cycleways S94 Plan N	\$2,90 <u>1</u> 10.22 ~~~				
(j)	Regional O S94 Plan N	pen Space (Structu lo. 26	ired) \$3,042		= 152-1 = 748.	-
(k)	Regional O S94 Plan N	pen Space (Casual lo. 26) \$6,966		, ,	
<i>Mana</i> requi	<i>agement Ac</i> irements for	t 2000 is to be ob	tained from	1 Council	5, 306 and 307 of the to verify that the nec the development have	Water 42 essary
Pursuant to Clause 146 of the <i>Environmental Planning and Assessment Regulations, 2000</i> , a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.						
	Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:				otain a	
Potts	r DSP6: ville/Burringl er Hastings F	bar Water Levy: Point:	9.8 ET @ 9.8 ET @ 11.8 ET @	\$1800	\$45,060 -⁄ \$17,640 -⁄ \$33,783 -⁄	

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These charges to remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

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

Note: 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.

[PCC0265/PSC0165]

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

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- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared 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) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.
- (d) 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.

[PCC1105]

- 40. A construction certificate application for works that involve any of the following:-
 - connection of a private stormwater drain to a public stormwater drain
 - installation of stormwater quality control devices
 - erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under section 68 of the Local Government Act 1993.

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

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- 41. Erosion and Sediment Control shall be provided in accordance with the following:
 - (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 Stormwater Quality.*

(b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

[PCC1155]

42. The internal "teardrop" one-way access road near the entry is to be re-configured to create traffic flow in a clockwise direction, and the angle of the car parking spaces is to be altered to reflect clockwise traffic flow.

[PCCNS01]

- 43. The development shall comply with the requirements of DCP No.5 Development of Flood Liable Land, including the following:
 - a) All new caravan sites must be at a level of not less than the design flood level of RL 2.4m AHD.
 - b) Where filling is required to achieve the minimum surface level, all fill batters shall be contained wholly within the development site, and shall be appropriately protected from scour and erosion due to stormwater and/or flood flows. All filling works shall consider local stormwater flow patterns, and provide additional perimeter drainage as necessary.
 - c) Minimum habitable floor level of all new cabins/caravans shall be RL 2.7m AHD.

PRIOR TO COMMENCEMENT OF WORK

- 44. The erection of a building in accordance with a major project approval must not be commenced until:
 - (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
 - (b) the person having the benefit of the major project approval has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
 - (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
 - (ii) notified the person having the benefit of the major project approval of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
 - (d) the person having the benefit of the major project approval, if not carrying out the work as an owner-building, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
 - (ii) notified the principal certifying authority of any such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.

IPCW02151

45. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

- 46. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

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- 47. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
 - (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
 - (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
 - (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
 - (i) the method of protection; and
 - (ii) the date of installation of the system; and
 - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - (iv) the need to maintain and inspect the system on a regular basis.

Note: Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

48. 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.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

<u>Please note</u> that this sign is to remain in position for the duration of the project.

[PCW0985]

58. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

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- 59. Where a building of part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.
- 60. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

[DUR2485]

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- 61. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
 - (a) internal drainage, prior to slab preparation;
 - (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
 - (c) external drainage prior to backfilling.
 - (d) completion of work and prior to occupation of the building.
- 62. Plumbing
 - (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
 - (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
- 63. Dual flush water closet suites are to be installed in accordance with *Local Government* Water and Sewerage and Drainage Regulations 1993.

[DUR2515]

- 64. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard. [DUR2535]
- 65. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
 - 43.5^oC for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
 - 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

 Surface lime shall be placed and maintained in the location of stormwater overflow areas for the duration of works.

[DURNS01]

- 67. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
 - A. Short Term Period 4 weeks.

L10 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.
 L10 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.

[DUR0215]

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

[DUR0985]

69. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials should be chipped on site and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at Council's Stotts Creek depot.

[DUR1015]

- 70. 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.
- 71. 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 1742.3-2202 (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.

[DUR1795]

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- 72. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
- 73. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.
- 74. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

[DUR2405]

[DUR2205]

75. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads.

[DUR2415]

76. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the General Manager or his delegate.

[DUR2425]

77. 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 Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

78. A certificate is to be submitted by a Registered Surveyor certifying that all habitable floor areas are constructed above 2.7 metres AHD, and certifying the actual finished level of the total site. Certification of those levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to proceedings past floor level to ensure that the floor is above flood level.

[DUR1365]

79. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.

[DUR1415]

80. 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.

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.

This inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

81. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).
POC0205

82. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate, a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

83. Prior to the issue of a final occupation certificate, all conditions of approval are to be met where relevant.

[POC1055]

84. The park shall be operated in accordance with Subdivision 1-8 of Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations, 2005.

[USENS01]

85. Activities at the premise shall not be permitted to unreasonably impact the amenity of any premise.

[USENS01]

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

[USE0125]

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87. Except as may be expressly provided in the approval, the approval holder must comply with section 120 of the *Protection of the Environment Operations Act 1997* prohibiting the pollution of waters.

[USE0155]

- 88. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light creating a nuisance to neighbouring or adjacent premises.
- 89. The premises shall be maintained in a clean and tidy manner.

[USE0965]

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SCHEDULE 3

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MP 05_0192

ALTERATIONS AND ADDITIONS TO NORTH POTTSVILLE HOLIDAY PARK

POTTSVILLE, TWEED LGA

STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT)

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ANNEXURE B Copy of Consent Plan – Drawing No. C/00, ISG, December 2005

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165 Town Planning & Development Consultants

Modification of Major Project No. 05_0192 Project No: TSC 06/09 - March 2007



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ANNEXURE C Owner's Consent Letter from the Departments of Lands dated 5 April 2007

Darryl Anderson Consulting Pty Ltd A.C.N. 093 157 165 Town Planning & Development Consultants

Modification of Major Project No. 05_0192 Project No: TSC 06/09 - March 2007

1 2 APR 2007



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> DIRECTOR GENERAL 1 Prince Albert Road Queens Square SYDNEY NSW 2000 AUSTRALIA

> > GPO Box 15 SYDNEY NSW 2001 AUSTRALIA

T (612) 9236 7600 F (612) 9236 7631

www.lands_nsw.goy.au EXC05/475A

Mr Darryl Anderson Director Darryl Anderson Consulting Pty Ltd Suite 7 Corporate House 8 Corporation Circuit TWEED HEADS NSW 2486

Dear Mr Anderson

I refer to your letter of 13 March 2007, seeking landowners consent to the lodging of an application for modification of a Major Project Approval No. 05-0192.

I have considered your request and under delegated authority, signed the attached "Modification to a Major Projects application" form. Land owners consent is granted in this instance on the basis that condition 8 of the current approval is modified as follows:

8. The eighteen long term sites contained within area "G" are to revert to short term sites once each individual long term tenant vacates these sites. Once the entire initial tenants of Area "G" have vacated these sites the number of approved sites in the park shall not be greater than 43 long term, 106 short term and 35 camp sites. Only Residents relocating from Tweed Waters Caravan Park, also known as Banora Point Caravan Park, will be offered the long term sites in Area "G". Such an offer will be on a "whole of life" basis. Where such an offer is not taken up by a resident from the said Tweed Waters Caravan Park the Area "G" sites will automatically revert to short term sites.

The tenancy agreements for the Area "G" sites will stipulate that the tenancy does not include any right of sale and/or assignment or sub-letting in keeping with the provisions of Sections 41(4)(b) and 80(2) of the Residential Parks Act 1998.

Could you please ensure that this advice is provided to the Minister for Planning at the time the application for modification is made.

Should you require any further clarification on this matter, please contact Mr Craig Barnes, Regional Manager North Coast, on 6591 3502.

Yours sincerely

attan

Warwick Watkins Director General





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ANNEXURE D **Completed Modification Application Form**

Darryl Anderson Consulting Pty Ltd A.C.N. 093 157 165 Town Planning & Development Consultants

Modification of Major Project No. 05_0192 Project No: TSC 06/09 - March 2007



Please Quote Council Ref:

TCHP POTTSVILLE NORTH HOLIDAY PARK

Your Ref No: For Enquiries Please Contact:

Please Contact: Mr Richard Adams Telephone Direct (02) 6670 2422

SHIRE

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17 April 2007

Ms Paula Tomkins Coastal Assessments NSW Department of Planning GPO Box 39 SYDNEY NSW 2001

URBAN ASSE SSMENTS PR 2007

Dear Ms Tomkins

Pottsville North Holiday Park Modification of Major Project Approval No 05 0192

We refer to the Modification of Major Project Approval No 05 0192, lodged by Darryl Anderson Consulting Pty Ltd with your Department.

Council advises that it has no objection to the modifications as described in this report.

Council further advises that it would greatly appreciate your expedient review and determination of this application so as to be in a position to assist the long-term residents from Banora Point Caravan Park.

Yours faithfully

Noel Hodges Director Planning & Environment

cc: Mr Richard Adams Manager Business & Economic Development



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH PO BOX 816, MURWILLUMBAH NSW 2484 TELEPHONE: (02)6670 2400 FAX: (02)6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER ABN 90 178 732 496 www.tweed.nsw.gov.au

1 2 APR 2007



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> DIRECTOR GENERAL 1 Prince Albert Road Queens Square SYDNEY NSW 2000 AUSTRALIA

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Yours sincerely

1 attaces

Warwick Watkins Director General

