

Modification of Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

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



Anthony Witherdin
Director
Modification Assessments

Sydney 5 JUNE 2017

SCHEDULE 1

- Project Approval:** MP 05_0198 granted by the Planning Assessment Commission of New South Wales on 2 August 2012.
- For the following:**
- 88 lot subdivision comprising:
 - 77 Torrens title residential lots;
 - a six lot Community Title scheme (five residential and one neighbourhood property);
 - one public reserve lot;
 - one sewerage pumping station lot; and
 - associated road, stormwater and utility infrastructure.
- Applicant:** WDLC Pty Ltd, ATF Dickinson Superannuation Fund, M Wamsley, R Wamsley, H Mabbutt and D Miller
- Approval Authority:** Minister for Planning
- The Land:** Lot 1 DP 134787, Lot 1 DP 167380, Lot 2 DP 961928 and Lot 5 DP 1117326 Wamsleys Road and Stott Street, Bilambil Heights.
- Modification:** MP 05_0198 MOD 1: the modification includes:
- changes to the approved sewerage servicing infrastructure, including the deletion of the sewerage pumping station on approved Lot 63;
 - deletion of Condition B3 and re-wording of conditions A3, A4, B6, D25, E2, E8 and E13 to reflect the removal of the sewerage pumping station on approved Lot 63 and the approved engineering drawings;
 - re-wording of Condition A2 to create a new development stage (Stage 1A) to enable tree removal and site survey works;
 - administrative changes to the description of the approved development in Schedule 1, the Definitions table in Schedule 2 and conditions B7 and B8, C5 to C7 and E9 to reflect the revised staging arrangements; and
 - re-wording advice note AN1 to correct a typographical error and advice note AN12 to reflect changes to Council's subdivision certification process.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

Schedule 1

Application No.:	MP 05_0198
Proponent:	WDLC Pty Ltd, ATF Dickinson Superannuation Fund, M Wamsley, R Wamsley, H Mabbutt and D Miller
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 DP 134787, Lot 1 DP 167380, Lot 2 DP 961928 and Lot 5 in DP 1117326 at Wamsleys Road and Stott Street, Bilambil Heights
Project:	<p>85 <u>84</u> Lot subdivision comprising:</p> <ul style="list-style-type: none">• 77 Torrens title residential lots,• A 6 lot Community Title Scheme (5 residential and 1 neighbourhood property)• a public reserve lot,• sewerage pumping station lot,• associated roads, stormwater and utility infrastructure.

- (b) The Definitions Table in Schedule 2 is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

DEFINITIONS

Advisory Notes	Advisory information relating to the approval but do not form a part of this approval.
<u>Approval Authority</u>	<u>The Minister for Planning, or delegate</u>
Proponent	WDLC Pty Ltd, ATF Dickinson Superannuation Fund, M Walmsley, P Walmsley, H Mabbutt and D Miller, or anyone else entitled to act on this approval.
Application	The project application and the accompanying drawings plans and documentation described in Conditions A3 and A4.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Tweed Shire Council
Certifying Authority	Means a person who is authorised by or under section 109D of the Act to issue a e Construction e 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	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure <u>Environment</u> or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate

Director General's approval, agreement or satisfaction	A written approval from the Director General (or nominee/delegate)
EEC	Where the Director General's approval, agreement or satisfaction is required under a condition of this approval, the Director General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Evening	Endangered ecological community
EPA	The period from 6pm to 10pm
EP&A Act	Environment Protection Authority, or its successor
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Act 1979</i>
Incident	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	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
Night	Minister for Planning and Infrastructure Environment , or nominee delegate
NOW	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	NSW Office of Water, or its successor
PCA	Office of the Environment and Heritage, or its successor
PPR	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Reasonable and Feasible	Preferred Project Report
RMS	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
Secretary	Roads and Maritime Services Division, Department of Transport or its successor
Secretary's approval, agreement or satisfaction	Secretary of the Department of Planning and Environment, or nominee/delegate <u>A written approval from the Secretary (or nominee/delegate)</u>
Subject Site	<u>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 time taken for the Applicant to respond in writing will be added to the one month period</u> Lot 1 DP 134787, Lot 1 DP 167380, Lot 2 DP 961928 and Lot 5 DP 1117326.

- (c) Schedule 2, Part A, Condition A2 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

A2 Staging

The project is to be constructed in ~~six (6)~~ **seven (7)** stages, generally in accordance with Revision F L of Plan 35054 dated 04.05.11 **24.03.16** prepared by Landsurv Pty Ltd, incorporating the lots as follows:

(1A) Stage 1A Preliminary Works Stage comprising:

- **Removal of the existing trees within and adjacent to the alignment of approved Roads 3 and 5. Prior to removing any trees within or adjacent**

to approved Roads 3 and 5 the Proponent shall:

- submit a Tree Removal Plan for the approval of the Secretary identifying all trees proposed to be removed within Stage 1A; and
 - provide a copy of the approved Tree Removal Plan to the PCA prior to the issue of a Construction Certificate authorising any tree removal works
 - Surveying of all proposed road alignments including placing pegs, observing levels and preparing spatial data.
 - The following conditions of approval shall be complied with prior to commencing the preliminary works stage: conditions C1 to C4, Condition C10, and conditions C12 to C14.
- (1) Stage 1 comprises lots 1-13 inclusive, incorporating roads and public reserve (see note (a) below).
- (2) Stage 2 comprises lots 14-31 inclusive incorporating roads.
- (3) Stage 3 comprises Community Title subdivision containing six lots.
- (4) Stage 4 comprises lots 32-40 inclusive incorporating roads.
- (5) Stage 5 comprises lots 41-61 inclusive incorporating roads and sewer pumping station. Prior to removing any trees associated with the construction of the sewer line at the rear of approved lots 55, 57, 59 and 60 the Proponent shall:
- submit a Tree Removal Plan for the approval of the Secretary identifying all trees proposed for removal and demonstrating the design and construction techniques proposed to minimise tree removal within the Environmental Management Area; and
 - provide a copy of the approved Tree Removal Plan to the PCA prior to the issue of a Construction Certificate authorising any tree removal works.
- (6) Stage 6 comprises lots 63-79 ~~62 -78~~ inclusive incorporating roads. Prior to removing any trees associated with the construction of the sewer line at the rear of approved lots 69, 70 and 77 the Proponent shall:
- submit a Tree Removal Plan for the approval of the Secretary identifying all trees proposed for removal and demonstrating the design and construction techniques proposed to minimise tree removal within the Environmental Management Area; and
 - provide a copy of the approved Tree Removal Plan to the PCA prior to the issue of a Construction Certificate authorising any tree removal works.

Note (a). The public reserve, shown as part of Stage 1, together with a road access shall be constructed prior to the issuing of a subdivision certificate for more than 25% of the approved allotments and associated roads and services.

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) - (6) inclusive, and subject to note (a) of this condition, shall be submitted for the approval of the **Secretary** ~~Director-General~~, prior to the issuing of a Construction Certificate for subdivision works.

- (d) Schedule 2, Part A, Condition A3 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

A3 Project in Accordance with Plans

The project will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and the following drawings:

Subdivision Design Drawings prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
35054 (Sheets 1, 2, 3 in 3 sheets))	F L	Plan of Proposed Subdivision	04.05.11 24.03.16
Engineering Drawings prepared by Opus Quantec McWilliam			
Drawing No.	Revision	Name of Plan	Date
203057 Fig.4.0		Proposed Cut and Fill Contours	October,2011
203057 Fig 6.0		Erosion and Sediment Control Plan	October 2011
203057 Fig 7.0		Road Layout Plan	October 2011
203057 Fig 7.1		Site Cross Sections	October 2011
203057 Fig 7.2		Site Cross Sections	October 2011
203057 Fig 8.0		Walmsleys Road Longitudinal Section and Typical Cross Section	September 2010
203057 Fig 9.0		Road 1 Longitudinal Section and Typical Cross Section	October 2011
203057 Fig 10.0		Road 2 Longitudinal Section and Typical Cross Section	April 2009
203057 Fig 11.0		Road 3 Longitudinal Section and Typical Cross Section	October 2011
203057 Fig 12.0		Road 5 Longitudinal Section and Typical Cross Section	October 2011
203057 Fig 12.1		Right of Carriageway No.1 Longitudinal Section and Typical Cross Sections	April 2010
203057 Fig 12.2		Right of Carriageway No.2 Longitudinal Section and Typical Cross Sections	April 2010
203057 Fig 12.3		Right of Carriageway No.3 Longitudinal Section and Typical Cross Section	April 2010
203057 Fig 12.4		Right of Carriageway No.4 Longitudinal Section and Typical Cross Section	April 2010
203057 Fig 13.0		Water Cycle Management Plan Pre- Development	October 2011
203057 Fig 14.0		Water Cycle Management Plan Post- Development	October 2011
203057 Fig 15.0		Services Plan <u>as amended by Cozens Regan Williams Prove Sewer Reticulation Plans, SK15 and SK16, Rev D, June 2016 and the relevant conditions of consent included within DA 15/0042</u>	October 2011

203057 Fig 16.0		Proposed Grades Analysis	August 2010
203057 SK20100303		Indicative Restriction of Use Layout Plan	June 2011
203057 SK20100713		Walmsley Road Extension Proposed 1 in 4 Batter	July, 2010
203057 SK20100809-01	Rev A	Proposed Local Park Grade Compliance Schematic	August 2010
203057 SK20100809-02	Rev A	Proposed Local Park Grade Compliance Schematic	August 2010
203057 SK20100921		Proposed Energy Dissipater & Level Spreaders	
Engineering Drawings prepared by Cozens Regan Williams Prove			
SK15	D	Sewer Reticulation Plan Sheet 1 and relevant conditions of consent included within DA15/0042	June 2016
SK16	D	Sewer Reticulation Plan Sheet 2 and relevant conditions of consent included within DA15/0042	June 2016
Landscape Drawings prepared by Form Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
91105 DA03 P2		Landscape Masterplan	08 Dec 10
91105 DA03 P3		Landscape Masterplan	08 Dec 10
91105 DA03 P4		Landscape Masterplan - Pedestrian Pathways	08 Dec 10
91105 DA03 P5		Landscape Masterplan - Trees In Public Places	08 Dec 10
91105 DA03 P6		Landscape Masterplan - Public Park Concept	08 Dec 10
91105 DA03 P7		Tree Suitability List	08 Dec 10

- (e) Schedule 2, Part A, Condition A4 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

A4 Project in Accordance with Documents

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

- (1) *Environmental Assessment Report* dated November, 2006, as revised June 2009 prepared by Darryl Anderson Consulting Pty Ltd; and,
- (2) *Preferred Project Report/Response to Submissions* prepared by Darryl Anderson Consulting Pty Ltd dated October 2011; **and**
- (3) **+ Modification Report – Major Project Approval No. 05 0198 (MOD 1) Proposed Residential Subdivision Wamsleys Road & Stott Street, Bilambil Heights, prepared by DAC Planning PTY LTD, dated February 2017.**

- (f) Schedule 2, Part A, insert new Condition A9 after Condition A8 as follows:

A9 SEWERAGE PUMPING STATION REQUIREMENTS

No Subdivision Certificate(s) for lots within stages 4 to 6 (approved lots 41 to 78) shall be released until the Proponent has provided written evidence to the satisfaction of the PCA

confirming the sewerage pumping station on Lot 12, as approved under DA 15/0042, is operational.

- (g) Schedule 2, Part A, insert new Condition A10 after Condition A9 as follows:

A10 WORKS WITHIN PROJECT AREA

This Project Approval does not authorise any works outside the project approval boundary, which includes Lot 1 in DP 134787, Lot 1 in DP 167380, Lot 2 in DP 961928 and Lot 5 in DP 117326.

- (h) Schedule 2, Part B, Condition B3 – is amended by the deletion of the ~~struckout~~ words as follows:

~~B3 Lot Layout and Access to Sewerage Pumping Station~~

~~The layout of proposed Lots 55, 56, 57 and 62 and access to the sewerage pumping station in Stage 5 shall be revised as follows:~~

- ~~a) The access handle proposed for lot 55 shall be included into lot 62 and be used to provide exclusive access to the proposed Pumping Station;~~
- ~~b) The width of proposed lot 56 shall be reduced by 1 metre along its southern boundary;~~
- ~~c) The space created in point b) above shall be incorporated into proposed lot 55 and together with the access handle to proposed lot 57, be used to accommodate a common right of access to both of these lots with a minimum width of 5 metres.~~

- (i) Schedule 2, Part B, Condition B6 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

B6 Subdivision

- 1) Notwithstanding any other condition of this approval but subject to ~~condition~~ **advice note** AN12, separate Construction Certificates may be issued for bulk earthworks and for civil works. The carrying out of the 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 with the civil works subject to compliance with the following conditions: A2, B1, B2, ~~B3(a)~~, B7, B8, B9, B11, B12, B6, and conditions in Part C and Part D of this approval.
- 2) Prior to the issue of a Construction Certificate the following detail in accordance with Council's adopted Development Design and Construction Specifications shall be submitted to the satisfaction of the Certifying Authority.
 - a. copies of compliance certificates relied upon
 - b. four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - i. earthworks
 - ii. roadworks/furnishings
 - iii. water supply works
 - iv. sewerage works
 - v. landscaping works
 - vi. sedimentation and erosion management plans
 - vii. location of all service conduits (water, sewer, Country Energy and Telstra)

Note: The ~~Environmental Planning and Assessment Act 1979~~ EP&A Act makes no provision for works under the ~~Water Management Act 2000~~ and Section 138 of the ~~Roads Act 1993~~ to be certified by an Accredited Certifier.

- (j) Schedule 2, Part B, Condition B7 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

B7 Construction Compliance Bond and Long Service Levy

Prior to the issue of a Construction Certificate for ~~each stage~~ **stages 1 to 6** of the subdivision, 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 (minimum \$1,000). The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this ~~consent~~ **approval** which are not being addressed to the satisfaction of the General Manager or his/**her** delegate. The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

In accordance with Section 109F(i) of the ~~Environmental Planning and Assessment Act 1979~~ **EP&A Act** (as amended), a ~~e~~Construction ~~e~~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.

- (k) Schedule 2, Part B, Condition B8 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

B8 Geotechnical Compliance

Stages 1 to 6 ~~Each stage~~ shall be preceded by an endorsement of detailed earthworks design plans 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, numbered JU/04/810 (dated June/July 2004 and May 2009) and NO/03/699 (dated December 2003/January 2004) prepared by Maiden Geotechnics. **A copy of the geotechnical engineer's endorsement shall be forwarded to the PCA prior to the commencement of construction works within these stages.**

- (l) Schedule 2, Part C, Condition C5 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

C5 Structural Details

Prior to the commencement of construction ~~at each~~ **works for stages 1 to 6** of the project, the Proponent shall submit to the satisfaction of the ~~Principal Certifying Authority~~ **PCA** 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).

- (m) Schedule 2, Part C, Condition C6 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

C6 Filling of the Site

Once the ~~a~~ Construction Certificate has been issued for ~~each stage~~ **stages 1 to 6** 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 to the PCA. 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.

- (n) Schedule 2, Part C, Condition C7 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

C7 Retaining Walls

Prior to ~~the~~ commencement of works for any ~~stage~~ **stages 1 to 6** 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~~ **PCA**. 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.

- (o) Schedule 2, Part D, Condition D25 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

D25 Compulsory Inspections

Tweed Shire Council shall be given a minimum of 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire 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

Pre-construction commencement erosion and sedimentation control measures

Completion of earthworks

Excavation of sub grade

Pavement – sub base

Pavement – pre kerb

Pavement – pre seal

Pathways, footways, cycleways – formwork/reinforcement

Final inspections – on maintenance

Off maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

Excavation

Bedding

Laying/jointing

Manholes/pits

Backfilling

Permanent erosion and sedimentation control measures

Drainage channels

Final inspection – on maintenance

Off maintenance

Sewer Pump Station and Lift Stations

Excavation

Formwork/reinforcement

Hydraulics

Mechanical/electrical

Commissioning – on maintenance

Off maintenance

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water by Design – Technical Guidelines

Earthworks and filter media

Structural Components

Operational Establishment

Commissioning – on maintenance

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 Developer's 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 "aAccredited eCertifier".

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

- (p) Schedule 2, Part E, Condition E2 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

E2 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 aAccredited eCertifier 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 eCompliance eCertificate applications must be accompanied by documentary evidence from the developer's ~~Subdivision Works Accredited Certifier (SWAC)~~ **Certifying Engineer** certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the ~~development consent~~ **Project Approval**, the ~~C~~onstruction Certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Council's Development Design and Construction Specifications. **The Certifying Engineer shall be a Professional Engineer (Civil) with a National Engineering Register (NER) or a Registered Surveyor. Documentary evidence shall be provided to Council demonstrating the currency of the above accreditation.**
 2. The EP&A Act, 1979 (as amended) makes no provision for works under the *Water Management Act 2000* to be certified by an "aAccredited eCertifier".
- (q) Schedule 2, Part E, Condition E8 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

E8 Registration of Easements / Restrictions to use / Right of carriageways

- 1) The creation of easements for services, rights of carriageways and restrictions as to user are 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. Right of carriageway over the approved driveway access, subject to the outcomes required in condition B2, is to benefit Council and ~~provide access in perpetuity to the sewer pump station.~~
 - c. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.

- d. Right of carriageways are to benefit and burden the property owners. Maintenance of the right of carriageways is to be shared between the property owners. Provision is also to be included in the 88B to provide public access to the proposed parks, nominating Council as the benefiting authority.
 - e. Use of site regrading on sloping residential subdivision sites to manufacture flat earth platforms is not permitted. Future dwellings on these sites are to use building techniques suitable to sloping sites.
- 2) Pursuant to Section 88BA of the Conveyancing Act (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.
 - 3) 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.
 - 4) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
 - 5) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.
 - a. A restriction 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.
 - b. Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction as to user advising the landowner of the need to maintain the wall in accordance with that standard.
 - c. A restriction as to user burdening all lots that prevents use of site regrading on sloping (natural slope >10%) residential subdivision sites to manufacture flat earth platforms suitable for construction of concrete slab-on-ground dwellings. Dwellings on these sites are to use building techniques suitable to sloping sites such as piled or piered foundations.
 - d. A Restriction as to User for any indicated Asset Protection Zone. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.

The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

A public positive covenant is to be created under Section 88E of the *Conveyancing Act 1919*, to require that the land the subject to the VMP is to be maintained in accordance with the requirements of the VMP.

- (r) Schedule 2, Part E, Condition E9 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

E9 Defects Liability Bond

- 1) Prior to the issue of a Subdivision Certificate for ~~each stage~~ **stages 1 to 6** of the project a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

- 2) The bond shall be based on 5% of the value of the works (minimum \$1,500) which will be held by Council for a period of 12 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.
 - 3) Prior to the issue of a Subdivision Certificate for each ~~stage~~ **stages 1 to 6** of the project, a maintenance 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.
 - 4) Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
 - 5) A bond shall be lodged prior to the issue of the Subdivision Certificate to ensure that the landscaping is maintained by the developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
 - 6) The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision for each stage of the project.
 - 7) Any damage to property (including pavement damage) is to be rectified to the satisfaction of the General Manager or his delegate prior to the issue of a Subdivision Certificate for each stage of the project. Any work carried out by Council to remove material from the roadway will be at the Developer's expense and any such costs are payable prior to the issue of a Subdivision Certificate.
- (s) Schedule 2, Part E, Condition E13 – is amended by insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

E13 Water Supply and Sewer

- 1) Prior to issuing a Subdivision Certificate for each stage of the project, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Construction Certificate approval.
- 2) ~~The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the plan of subdivision.~~
- 3) Note: ~~The Environmental Planning and Assessment Act 1979~~ **EP&A Act** makes no provision for works under the **Water Management Act, 2000** to be certified by an Accredited Certifier.
- 4) Water meters are to be located outside of the vehicle paths within the rights of carriageway of battleaxe lots.

- (t) In the Advisory Notes, AN1 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

AN1 Compliance Certificate, Water Management Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the ~~a~~**A**pproval ~~a~~**A**uthority 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 ~~e~~**C**ertifying ~~a~~**A**uthority before the release of the Construction Certificate,
- (2) the ~~a~~**A**pproval ~~a~~**A**uthority before the release of the Subdivision Certificate, and
- (3) the ~~principal certifying authority~~ **PCA** prior to occupation.

- (u) In the Advisory Notes, AN12 – is amended by the insertion of the **bold and underlined** words and deletion of the ~~struckout~~ words as follows:

AN12 Certification

Construction Certificate

Prior to the commencement of subdivision works, the ~~p~~**P**roponent must obtain a Construction Certificate from either the Council or an ~~a~~**A**ccredited ~~e~~**C**ertifier for each stage of the subdivision before any subdivision work can commence for the relevant stage.

Civil work in accordance with ~~an the~~ **Project a**pproval ~~or development consent~~ for any stage must not be commenced until a Construction Certificate for the civil work has been issued in accordance with Council's Development Construction Specification C101 by ~~the consent authority, or an a~~**A**ccredited ~~e~~**C**ertifier, **or Tweed Shire Council** and the person having the benefit of the approval ~~or development consent~~ has appointed:

- a ~~principal certifying authority~~ **PCA**,
- **a Certifying Engineer to certify the compliance of the completed works. The Certifying Engineer shall be a Professional Engineer (Civil) with a National Engineering Register (NER) or a Registered Surveyor. Documentary evidence is to be provided to Council demonstrating the currency of the above accreditation, and**
- **has notified the Approval Authority and the Council of the appointment.**
- ~~a Subdivision Works Accredited Certifier (SWAC) to certify the compliance of the completed works. The SWAC must be accredited in accordance with Tweed Shire Council DCP Part A5 – Subdivision Manual, Appendix C with accreditation in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC shall possess accreditation in the following categories:~~
 - ~~G4: Accredited Certifier – Stormwater management facilities construction compliance~~
 - ~~G6: Accredited Certifier – Subdivision road and drainage construction compliance~~

~~The SWAC shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to commencement of works.~~

Note: ~~For subdivisions creating 5 new allotments or less, OR the value of new public infrastructure is less than \$30,000, then the SWAC may be substituted for an Institute of Engineers Australia Chartered Professional Engineer (Civil College) with NPER registration.~~

Subdivision Certificate

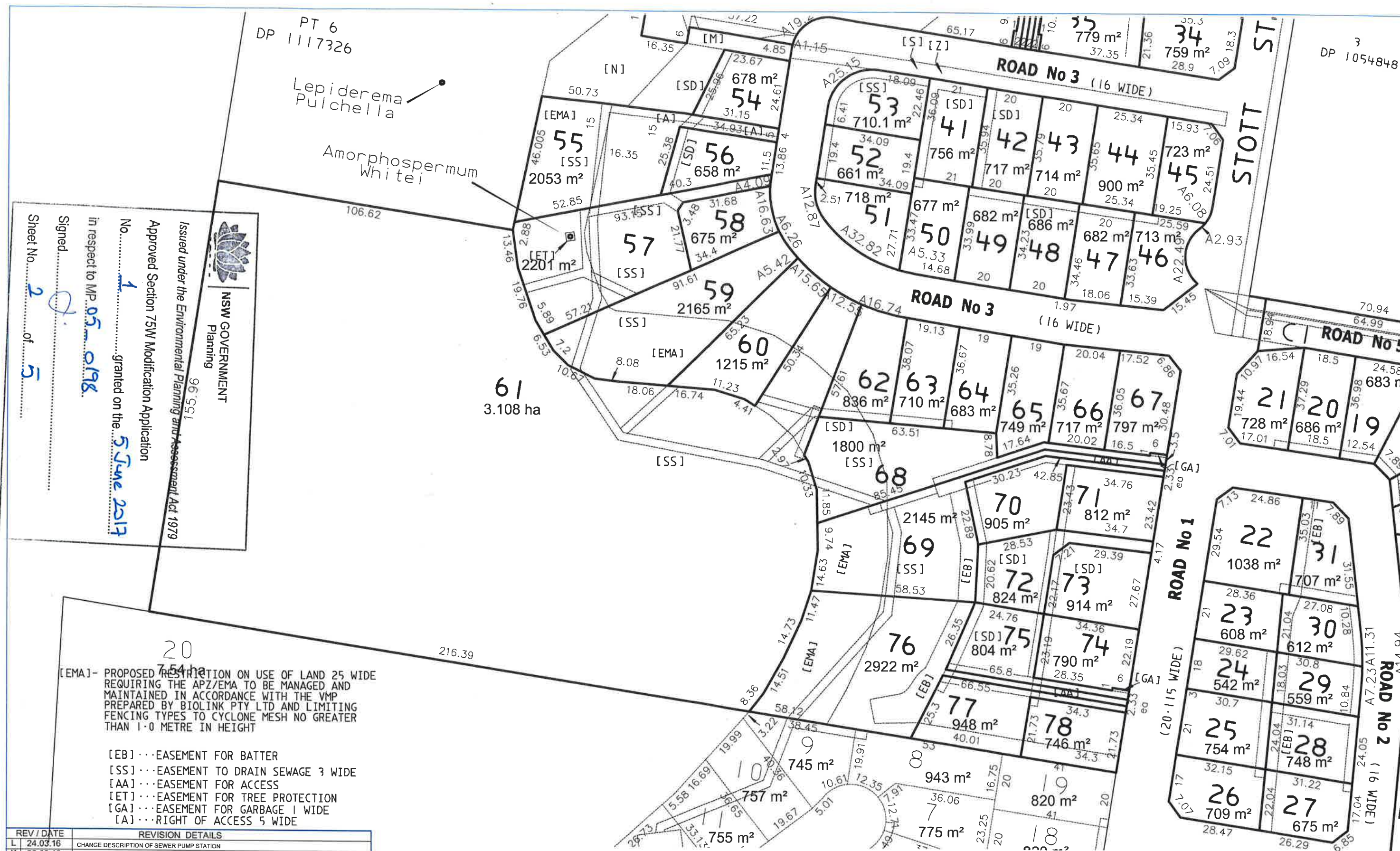
Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a Subdivision Certificate pursuant to Section 109C(1)(d) of the EP&A Act must be obtained from the Council or an accredited certifier for each stage of the subdivision.

End of Modification



SEE

SHEET 3



REV / DATE	REVISION DETAILS
L 24.03.16	CHANGE DESCRIPTION OF SEWER PUMP STATION
K 23.03.16	TITLE AMENDED TO INCLUDE LOT 1 DP 1098348, RESIDUAL LOT 20 ADDED, LOT 14 AND 15 AMENDED
J 23.03.16	ADJOINING BOUNDARY OF LOT 1 DP 1098348 ADDED
H 22.03.16	LOT 55 AREA AMENDED, SUBDIVISION OF LOT 2 DP 1098348 LOT NUMBERS ADDED
G 18.03.16	EASEMENTS AMENDED, PROPOSED SUBDIVISION OF LOT 2 DP 1098348 ADDED
F 04.05.11	LOT NUMBERS AMENDED
	LOT REDESIGN LOTS 35-40, ROAD 4 REMOVED
	REVISED APZ-EMA AREA LOTS 38-40
	GARBAGE AREAS ADDED TO TOP OF RIGHT OF CARRIAGEWAYS
	NEIGHBOURHOOD PROPERTY INCREASED IN SIZE
	BATTER EASEMENTS ADDED
	SEWER CONNECTION AND EASEMENT ADDED TO LOT 2 DP 1098348
	SEWER PUMP STATION SITE MOVED

LANDSURV PTY LTD
REGISTERED SURVEYORS & DEVELOPMENT CONSULTANTS
14 ENID STREET TWEED HEADS NSW 2485
Ph. (07) 55366467 Fax (07)55367489 email: macsurv@landsurv.com.au

PLAN OF PROPOSED SUBDIVISION OF
LOT 1 DP 167380, LOT 1 DP 134787, LOT 2 DP 96192,
LOT 5 DP 1117326 AND LOTS 1 AND 2 ON DP 1098348
WALMSLEYS ROAD AND
STOTT STREET, BILAMBIL HEIGHTS
CLIENT: WALMSLEY AND DICKINSON

LEVEL DATUM	SCALE 1: 1250
DATE OF SURVEY	REVISION L
DATE 18.03.16	SHEET 2 OF 3
DRAWN CBS	JOB No
CHECKED BG	35054
CAD FILE No. 35054-PROP	

LEGEND

- EXISTING CONTOUR
- EXISTING SURFACE LEVEL
- EXISTING WATER
- EXISTING STORMWATER
- EXISTING SEWER
- EXISTING O/H ELECTRICAL
- EXISTING TELECOM
- PROPOSED WATER RETICULATION
- PROPOSED STORMWATER RETICULATION
- PROPOSED SEWERAGE RETICULATION
- PROPOSED SEWER RISING MAIN
- FUTURE SEWERAGE RETICULATION NOT PART OF THIS CONSENT SCHEMATIC ONLY
- BOULDER RETAINING WALL
- CONCRETE 'CRIB' RETAINING WALL
- BLOCKWORK RETAINING WALL
- PROPOSED ELECTRICAL SUPPLY TO PUMP STATION

US IL 53 54
OS IL 50 52

US IL 55 57
OS IL 53 66

THIS IS THE PLAN REFERRED TO IN DEVELOPMENT CONSENT NO. DA150042

TWEED SHIRE COUNCIL

IF RISING MAIN IS CONSTRUCTED PRIOR TO MAJOR PROJECT DEVELOPMENT A 3m EASEMENT IN FAVOUR OF COUNCIL IS TO BE PROVIDED OVER RISING MAIN TO ENSURE ACCESS IS MAINTAINED UNTIL SUCH TIME AS MAJOR PROJECT DEVELOPMENT IS CONSTRUCTED WHEREBY EASEMENT IS TO BE EXTINGUISHED

NSW GOVERNMENT
Planning

Approved Section 75W Modification Application

granted on the 5 June 2017

Sheet No. 4 of 5

REFER TO SEWER CATCHMENT PLAN ON DRG. No. Sk.24 FOR MORE INFORMATION.

PROPOSED SEWER PUMP STATION TO TSC STDS. REFER TO DRG. No. Sk.17 FOR DETAILS.

WALMSLEYS ROAD

SGM 150uPVC S1

DATE	DESCRIPTION	BY	CHECKED
04/18	AMENDED TO COUNCIL REQUIREMENTS	D.P.G.	J.A.W.
04/18	AMENDED TO COUNCIL REQUIREMENTS	D.P.G.	J.A.W.
04/18	AMENDED TO COUNCIL REQUIREMENTS	D.P.G.	J.A.W.
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04/18	AMENDED TO COUNCIL REQUIREMENTS	D.P.G.	J.A.W.
04/18	AMENDED TO COUNCIL REQUIREMENTS	D.P.G.	J.A.W.

PRELIMINARY
NOT FOR CONSTRUCTION

SCALE A
SCALE B



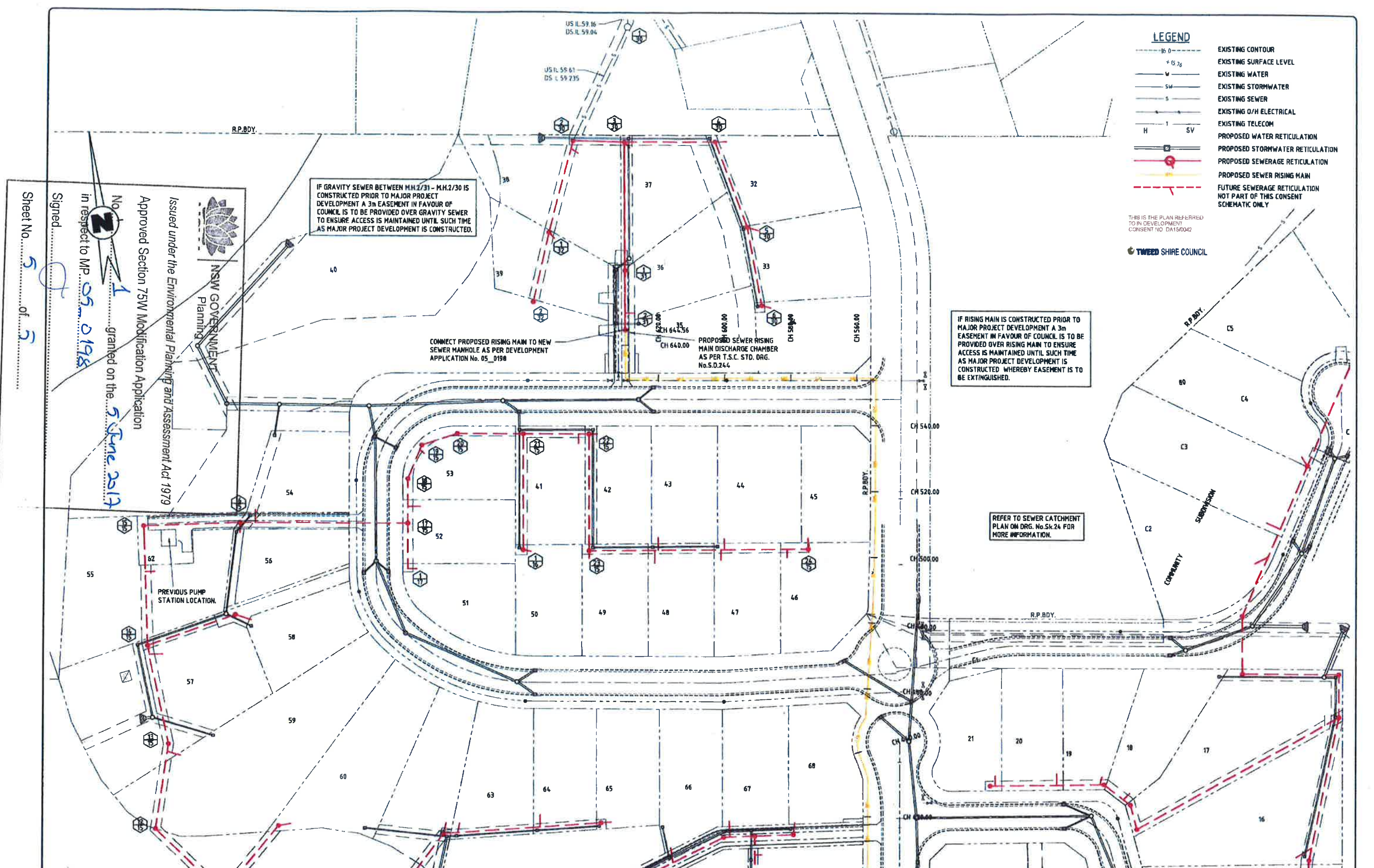
COZENS-REGAN
WILLIAMS-PROVE
CONSULTING ENGINEERS
CIVIL - STRUCTURAL - LAND MANAGEMENT

SUITE 1 ADVANCE BUSINESS CENTRE
39 LAWRENCE DRIVE MERANG
PO BOX 2711 MERANG QLD 4211
Telephone: (07) 5578 4100
Facsimile: (07) 5578 4092
Email: info@crmp.com.au

DESIGNED T.M.H.
DRAWN D.P.G.
CHECKED J.A.W.
APPROVED FOR AND ON BEHALF OF
COZENS REGAN WILLIAMS PROVE PTY LTD
SHEET No. 43

CLIENT
BORDER HOLDINGS PTY. LTD.
PROJECT
PROPOSED 22 LOT SUBDIVISION
AT 55 - 57 WALMSLEYS ROAD, BILAMBIL HEIGHTS
SEWERAGE RETICULATION PLAN - SHEET 1 OF 2

JOB NO.
14446
DRAWING NO.
Sk.15
DATE
11/11/17



- LEGEND**
- 16.0
 - +15.76
 - 5W
 - 5
 - 1
 - H
 - SV
 - PROPOSED WATER RETICULATION
 - PROPOSED STORMWATER RETICULATION
 - PROPOSED SEWERAGE RETICULATION
 - PROPOSED SEWER RISING MAIN
 - FUTURE SEWERAGE RETICULATION NOT PART OF THIS CONSENT SCHEMATIC ONLY

THIS IS THE PLAN REFERRED TO IN DEVELOPMENT CONSENT NO. DA150042

TWEED SHIRE COUNCIL

IF GRAVITY SEWER BETWEEN MH 2/31 - MH 2/30 IS CONSTRUCTED PRIOR TO MAJOR PROJECT DEVELOPMENT A 3m EASEMENT IN FAVOUR OF COUNCIL IS TO BE PROVIDED OVER GRAVITY SEWER TO ENSURE ACCESS IS MAINTAINED UNTIL SUCH TIME AS MAJOR PROJECT DEVELOPMENT IS CONSTRUCTED.

CONNECT PROPOSED RISING MAIN TO NEW SEWER MANHOLE AS PER DEVELOPMENT APPLICATION No. 05_0198

PROPOSED SEWER RISING MAIN DISCHARGE CHAMBER AS PER T.S.C. STD. DRG. No. S.D.244

IF RISING MAIN IS CONSTRUCTED PRIOR TO MAJOR PROJECT DEVELOPMENT A 3m EASEMENT IN FAVOUR OF COUNCIL IS TO BE PROVIDED OVER RISING MAIN TO ENSURE ACCESS IS MAINTAINED UNTIL SUCH TIME AS MAJOR PROJECT DEVELOPMENT IS CONSTRUCTED WHEREBY EASEMENT IS TO BE EXTINGUISHED.

REFER TO SEWER CATCHMENT PLAN ON DRG. No. Sk.24 FOR MORE INFORMATION.

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 75W Modification Application

No. 2 granted on the 5 June 2017

in respect to MP 05_0198

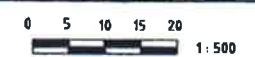
Signed

Sheet No. 5 of 5

NO.	DATE	ISSUE	REVISED	CHECKED
1	06/10	APPROVED TO COUNCIL REQUIREMENTS	D.P.S.	J.A.W.
2	07/10	AMENDED TO COUNCIL REQUIREMENTS	D.P.S.	J.A.W.
3	10/10	AMENDED TO COUNCIL REQUIREMENTS	D.P.S.	J.A.W.
4	10/10	ORIGINAL ISSUE	D.P.S.	J.A.W.

PRELIMINARY
NOT FOR CONSTRUCTION

SCALE A
SCALE B



**COZENS-REGAN
WILLIAMS-PROVE**
CONSULTING ENGINEERS
CIVIL - STRUCTURAL - LAND MANAGEMENT

SUITE 7 ADVANCE BUSINESS CENTRE
39 LAWRENCE DRIVE MERANG
PO BOX 2711 MERANG QLD 4211
Telephone: (07) 5578 4100
Facsimile: (07) 5578 4092
Email: enq@crvp.com.au

DESIGNED T.W.N.
DRAWN D.P.G.
CHECKED J.A.W.
APPROVED FOR AND ON BEHALF OF
COTING REGAN WILLIAMS PROVE PTY LTD
ENGINEER No. 43

CLIENT BORDER HOLDINGS PTY. LTD.
PROJECT PROPOSED 22 LOT SUBDIVISION
AT 55 - 57 WALMSLEYS ROAD, BILAMBIL HEIGHTS
SEWERAGE RETICULATION PLAN - SHEET 2 OF 2

DWG NO. 14446
DRAWING NO. Sk.16
SCALE A/B/C/D