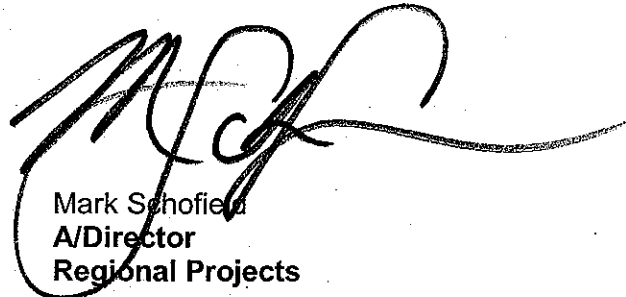


APPENDIX A

MODIFYING INSTRUMENT

**NOTICE OF AMENDMENT OF A DEVELOPMENT CONSENT GRANTED UNDER
SECTION 80 PURSUANT TO SECTION 75(W) OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

I, Mark Schofield, A/Director, Major Projects Assessment, as delegate for the Minister for Planning, pursuant to section 75(W) of the *Environmental Planning and Assessment Act 1979*, modify the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Mark Schofield
A/Director
Regional Projects

Sydney, *9 December* 2010

MP 06_0243 MOD 1

SCHEDULE 1

- Development consent:** Granted by the Minister for Planning on 4 November 2008.
- In respect of:** Part 3A Project 06_0243 made by GEO Property Group Pty Ltd for land described as Lot 9 on DP1039569 and Part Lot 2 DP1000385, Fraser Drive, South Tweed, Tweed local government area.
- For the following:** Project Approval to subdivide land into 151 lots including a 'superlot' integrated housing subdivision lot, provision of open space, retention of SEPP14 wetland, creation of artificial wetland for stormwater management purposes, site rehabilitation works for landslip prevention, dedication of 10m reserve for the future widening of Fraser Drive and the construction of roads revetment structures and drainage infrastructure.
- Modification Application:** Modification of the Project Approval including amendments to layout and to resolve a number of anomalies and issues identified in the original approval.
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SCHEDULE 1

The project approval is modified by:

- 1) replacing Row 4 in the table in Schedule 1 with new Row 4 as follows:

On land comprising:	Fraser Drive, South Tweed Lot 9 on DP 1039569 and Part Lot 2 DP 1000385
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- 2) replacing Row 6 in the table in Schedule 1 with new Row 6 as follows:

For the carrying out of:	(i) Boundary adjustment and subdivision of the site into 2 master lots and separation of battleaxe handle for future consolidation with Lot 17 Section 11 DP28392; (ii) Residential subdivision in 7 stages to create 145 residential lots that will provide for attached and detached dwellings including the creation of a 1.54 hectare "superlot" for a future integrated housing development comprising of strata or community titled subdivision, 5 open space lots and a lot for a Local Shop.
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SCHEDULE 2

- 3) replacing existing condition A1 with new condition A1 as follows:

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

- 1) Boundary adjustment of Lot 2 in DP 1000385 and Lot 9 in DP 1039569 (Drawing No. 12512B Rev B)
- 2) Subdivision of Lot 9 in DP 1039569 into two master lots (Master Lot 1 and Master Lot 2 of the subdivision);
- 3) Subdivision of Master Lot 1 into 72 residential lots in 3 stages;
- 4) Subdivision of Master Lot 2 into 73 residential lots in 3 stages;
- 5) Creation of a 1.54ha super lot for a future integrated housing development (Lot 15);
- 6) Creation of an open space lot that contains an artificial wetland for the purposes of stormwater management (Lot 16);
- 7) Creation of an open space lot for the retention of the SEPP14 Wetland and buffer area (Lot 164);
- 8) Dedication of a 10m wide buffer for the future upgrade and widening of Fraser Drive;
- 9) Site rehabilitation works to stabilise current land slip hazards;
- 10) Construction of roads, revetment structures and drainage infrastructure;
- 11) Creation of open space Lots 57, 165, 166; and
- 12) Creation of Lot 2 for Local Shop.

4) replacing existing condition A2 with new condition A2 as follows:

The project is to be constructed in seven (7) stages, generally as follows:

1) Stage 1 comprises:

- i) Boundary adjustment of Lot 2 in DP1000385 and Lot 9 in DP 1039569, Fraser Drive, South Tweed;
- ii) Subdivision of Lot 9 in DP 1039569 into two master lots (Master Lot 1 and Master Lot 2); and
- iii) Separation of battleaxe handle for future consolidation with Lot 17 Section 11 DP 28392.

Master Lot 1 is to be subdivided in three (3) stages:

2) Stage 1A has an area of 4.78 hectares comprising (Lots 2-6):

- i) A 1.54ha integrated housing superlot;
- ii) 6 low density residential allotments;
- iii) 3 duplex allotments;
- iv) 1.712ha of water quality open space (Lot 16);
- v) 1,767m² drainage reserve from Lot 16 to Fraser Drive;
- vi) 291m of 18m wide road (Road No.1 & Road No.2);
- vii) 44m of 15m wide road (Road No.1 & Road No.2);
- viii) Trunk drainage works between Fraser Drive and James Road;
- ix) A four-way signalised control intersection at the northern development access to Fraser Drive, including a 20m left turn lane and right turn lane on Fraser Drive; and
- x) A lot for a Local Shop (Lot 2).

3) Stage 2A has an area of 2.48 hectares comprising (Lots 58-90):

- i) 32 low density residential allotments;
- ii) 1 duplex allotment (2 dwellings); and
- iii) 333m of 15m wide road (Road No.1).

4) Stage 3A has an area of 2.79 hectares comprising (Lots 17-57):

- i) 22 low density residential allotments;
- ii) 9 duplex allotments (18 dwellings);
- iii) 2,217m² of park and recreation (functional) open space;
- iv) 81.6m of 13m wide road; and
- v) 349m of 15m wide road (Road No.2).

Master Lot 2 is to be subdivided in three (3) stages:

5) Stage 1B has an area of 5.71 hectares comprising (Lots 91-103 and 157-163):

- i) 20 low density residential allotments;
- ii) 334m of 13m wide road (Road No.3); and
- iii) Right of carriageway access to Lots 159-160.

- 6) Stage 2B has an area of 9.75 hectares comprising (Lots 104-112, 147-156 and 164):
- i) 19 low density residential allotments;
 - ii) 6.48 hectares of SEPP14 wetland open space conservation area (Lot 164);
 - iii) 392m of 13m wide road (Road No.3); and
 - iv) Right of carriageway access to Lots 154-156
- 7) Stage 3B has an area of 6.48 hectares comprising (Lots 112-146 and 165-166):
- i) 34 low density residential allotments;
 - ii) 5,156m² of park and recreation (functional) open space (Lot 166);
 - iii) 3,832m² of water quality/open space (Lot 165);
 - iv) 616m of 13m wide road (extension of Merlot Court); and
 - v) 69m of 18m wide road (Road No.4).

It is noted that staging of allotment construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

- 5) **deleting Architectural Drawings prepared by Conics (Brisbane) Pty Ltd from the approved drawings table in existing condition A3 by deleting existing rows 1-3.**
- 6) **deleting Engineering Drawings 7214/29/01-DA03 (Lot Layout and Staging Plan), 7214/29/01-DA20 (Post Development Stormwater Network), 7214/29/01-DA21 (Post Development Stormwater Network) and 7214/29/01-DA25 (Water Treatment and Detention Basin Details) prepared by Cardno (Qld) Pty Ltd from the approved drawings table in existing condition A3 by deleting existing rows 8, 25, 26 and 30.**
- 7) **replacing row 50 in existing condition A3 with new row as follows:**

16104 B	Rev A	Proposed Subdivision of Proposed Lot 11, Fraser Drive, Tweed Heads South	26 February 2010
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- 8) **replacing row 51 in existing condition A3 with new row as follows:**

12512 B	Rev B	Proposed Boundary Adjustment of Lot 2 in DP 1000385 and Lot 9 in DP 1039569 Fraser Drive, Tweed Heads South	23 February 2010
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- 9) **inserting new rows immediately after row 51 in approved drawings table in new condition A3 as follows:**

17900 B	Rev E	Proposed Subdivision Fraser Drive, Tweed Heads South	29 October 2010
Survey Drawings prepared by Boyds Bay Environmental Services			
Drawing No.	Revision	Name of Plan	Date
248	-	Landscape Concept Plan	10 Sept 2010

Drawings prepared by VKL Consulting			
Drawing No.	Revision	Name of Plan	Date
5536-10-SW1	-	Post Development Stormwater Network	undated
5536-10-SW2	-	Post Development Stormwater Catchment	undated
Drawings prepared by Gilbert and Sutherland			
Drawing No.	Revision	Name of Plan	Date
GJ0878.3.6	-	Wetland Layout	12 March 2010
GJ0878.3.7	-	Cross Sections of Wetland Area	11 March 2010
GJ0878.3.8	-	Typical Constructed Wetland Details	15 December 2010

- 10) deleting the word 'and' after the words 'May 2007;' in Condition A4(1).
- 11) deleting the period after the words 'August 2008.' in Condition A4(2) and replacing with a semi-colon.
- 12) Immediately after Condition A4(2) inserting the following words:
 - 3) *Modification Report* prepared by Darryl Anderson Consulting Pty Ltd, dated May 2010;
 - 4) Letter prepared by Darryl Anderson Consulting Pty Ltd dated 13 September 2010; and
 - 5) Revised Statement of Commitments prepared by Darryl Anderson Consulting Pty Ltd dated October 2010.
- 13) replacing existing condition A6 with new condition A6 as follows:
 - 1) Staging of the Development
 The staging of the development is to occur generally in accordance with the following sequence:
 - a) Stage 1
 - b) Stage 1A
 - c) Stage 2A
 - d) Stage 3A
 - e) Stage 1B
 - f) Stage 2B
 - g) Stage 3B

It is noted that staging may vary in timing according to market forces. Site works and the delivery of infrastructure may be independent of the staged release of lots.
- 14) deleting rows 1–3 of the table in Condition S1C3.

- 15) deleting the last row of the table in Condition S1C3 and replacing with the following:

Stage 1	\$14,837.80
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- 16) deleting condition B1.

- 17) replacing existing condition B2 with new condition B2 as follows:

Prior to the issue of a Construction Certificate for any stage that creates housing lots that abut Fraser Drive, details of a 2m high noise barrier prepared by a suitably qualified person shall be submitted to and approved by Council. Details of the noise barrier shall be generally in accordance with:

- 1) The recommendations contained in the *Environmental Noise Impact Report* prepared by CRG Pty Ltd dated 17 February 2010;
- 2) Sketch No.2 contained in Appendix A of the *Environmental Noise Impact Report* prepared by CRG Pty Ltd dated 17 February 2010; and
- 3) Survey Drawing 17900 B Revision E prepared by B&P Surveys dated 29 October 2010.

- 18) replacing existing condition B16 with new condition B16 as follows:

In order to ensure that vehicles exit/enter the site in a safe manner, a signalised intersection must be installed and shall be clearly visible at the intersection of Fraser Drive and Road No.1. Details of the type, location and operation of the device must be in accordance with Roads and Traffic Authority (RTA), Australian Standards, Austroads and Council's Development Design Specifications. Details shall be submitted to and approved by Council prior to issue of a Construction Certificate for Stage 1A. The horizontal and vertical design of the intersection must be compatible with Council's plans for future upgrading of Fraser Drive to four lanes. The stormwater drainage design of the signalised intersection shall comply with the *Engineering Report* prepared by VKL Consulting dated May 2010, except as varied by this approval. Piped drainage, including inlet design, must provide Q100 capacity for a future urbanised catchment east of Fraser Drive, with a safety factor of 1.5 applied to inlet capacities to account for blockages and obstructions to flow. Engineering details of the road design and stormwater drainage, including drainage capacity calculations prepared by a qualified professional, are to be submitted to the satisfaction of Council prior to the issue of the Construction Certificate for Stage 1A of the project.

- 19) replacing existing condition B30 with new condition B30 as follows:

The Seaview Street Park being proposed Lot 166 shown on drawing titled 'Plan of Proposed Subdivision' No. 17900B Rev E, dated 29 October 2010 shall be dedicated as a public reserve as part of Stage 3B. The landscape plan for this park must reflect the drawing titled 'Landscape Concept Plan' no. 248 prepared by Boyds Bay Environmental Services, dated 10 September 2010.

20) replacing existing condition B34(2) with new condition B34(2) as follows:

- 2) Asset Protection Zones in Stages 1B, 2B and 2A may include Fraser Drive itself for all Stages fronting that road. Details of the APZs are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for Stages 2B and 3B.

21) inserting new Condition E7A as follows:

E7A Acoustic Noise Wall

Prior to the issue of a Subdivision Certificate for Stage 2A, Stage 3A or Stage 3B of the Project, a 2m high noise barrier shall be constructed along the eastern boundary of the site. The design and siting of the noise wall shall generally be in accordance with:

- 1) The recommendations contained in the *Environmental Noise Impact Report* prepared by CRG Pty Ltd dated 17 February 2010;
- 2) Sketch No.2 contained in Appendix A of the *Environmental Noise Impact Report* prepared by CRG Pty Ltd dated 17 February 2010; and
- 3) Survey Drawing 17900 B Revision E prepared by B&P Surveys dated 29 October 2010.

22) deleting existing condition E13(5)(g) and replacing with new condition E13(5)(g) as follows:

- g. A restriction as to user burdening Lots 22-30, 71, 125-134 requiring that all dwellings (if constructed) shall achieve the 'maximum' internal noise levels prescribed in AS/NZS 2107:1987 "*Acoustics – Recommended Design Sound Level and Reverberation Times for Building Interiors*". To allow future occupants to close windows and doors and still have a supply of fresh air, provision of air conditioning or sealed mechanical ventilation to noise affected habitable rooms is required.

23) replacing the Contributions Table in existing condition E33 with new Contributions Table as follows:

Banora Point West/Tweed Heads South Open Space Contributions Plan (2006) – Structured			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	2504	22536
Stage 2A	32	2504	80128
Stage 3A	31	2504	77624
Stage 1B	20	2504	50080
Stage 2B	19	2504	47576
Stage 3B	34	2504	85136
South Tweed Heads Master Drainage Contributions Plan (2006)			
	No. of Ha	\$ per Ha	Sub-Total
Stage 2B	2.6166	13144	34392.59
Stage 3B	6.4418	13144	84671.01

Tweed Road Contribution Plan (2007)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	6084	54756
Stage 2A	32	6084	194688
Stage 3A	31	6084	188604
Stage 1B	20	6084	121680
Stage 2B	19	6084	115596
Stage 3B	34	6084	206856
Street Planting in Residential Areas Contribution Plan (2005)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	297	2673
Stage 2A	32	297	9504
Stage 3A	31	297	9207
Stage 1B	20	297	5940
Stage 2B	19	297	5643
Stage 3B	34	297	10098
Tweed Shire Library Facilities Contribution Plan (2002)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	792	7128
Stage 2A	32	792	25344
Stage 3A	31	792	24552
Stage 1B	20	792	15840
Stage 2B	19	792	15048
Stage 3B	34	792	26928
Bus Shelters Contribution Plan (2005)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	60	540
Stage 2A	32	60	1920
Stage 3A	31	60	1860
Stage 1B	20	60	1200
Stage 2B	19	60	1140
Stage 3B	34	60	2040
Environ Cemetery Contribution Plan (2005)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	120	1080
Stage 2A	32	120	3840
Stage 3A	31	120	3720
Stage 1B	20	120	2400
Stage 2B	19	120	2280
Stage 3B	34	120	4080
Emergency Facilities (Surf Life Saving) Contribution Plan (2006)			
	No. of ET	\$ per ED	Sub-Total

Stage 1A	9	113	1017
Stage 2A	32	113	3616
Stage 3A	31	113	3503
Stage 1B	20	113	2260
Stage 2B	19	113	2147
Stage 3B	34	113	3842
Council Admin Offices and Technical Support Facilities Contribution Plan (2007)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	1759.90	15839.10
Stage 2A	32	1759.90	56316.80
Stage 3A	31	1759.90	54556.90
Stage 1B	20	1759.90	35198.00
Stage 2B	19	1759.90	33438.10
Stage 3B	34	1759.90	59836.60
Cycleways Contribution Plan (2005)			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	447	4023
Stage 2A	32	447	14304
Stage 3A	31	447	13857
Stage 1B	20	447	8940
Stage 2B	19	447	8493
Stage 3B	34	447	15198
Shirewide/Open Space Contribution Plan (2006) - Casual			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	1031	9279
Stage 2A	32	1031	32992
Stage 3A	31	1031	31961
Stage 1B	20	1031	20620
Stage 2B	19	1031	19589
Stage 3B	34	1031	35054
Shirewide/Regional Open Space Contribution Plan (2006) - Structured			
	No. of ET	\$ per ED	Sub-Total
Stage 1A	9	3619	32571
Stage 2A	32	3619	115808
Stage 3A	31	3619	112189
Stage 1B	20	3619	72380
Stage 2B	19	3619	68761
Stage 3B	34	3619	123046
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1A		151,442.10	
Stage 2A		538,460.80	
Stage 3A		520,633.90	
Stage 1B		336,538.00	

Stage 2B	354,103.69
Stage 3B	656,785.61
TOTAL	2,438,900.50

- 24) renumbering conditions E33(4), E33(5) and E33(6) in existing condition 33 to conditions E33(1), E33(2) and E33(3) respectively.
- 25) replacing the Section 64 contributions table in existing condition E34 with new Section 64 contributions table and note as follows:

Stages	Water Development Servicing Plan No. 4		Sewer Banora	
	Calculation	Total	Calculation	Total
Stage 1A	9 ET @ \$10709	96381.00	9 ET @ \$5146	46314
Stage 2A	32 ET @ \$10709	342688.00	32 ET @ \$5146	164672
Stage 3A	31 ET @ \$10709	331979.00	31 ET @ \$5146	159526
Stage 1B	2 x 1 and 18 x 1.2 = 23.6 ET @ \$10709	252732.40	20 ET @ \$5146	102920
Stage 2B	15 x 1 and 4 x 1.2 = 19.8 ET @ \$10709	212038.20	19 ET @ \$5146	97774
Stage 3B	32 x 1 and 2 x 1.2 = 34.4 ET @ \$10709	368389.60	34 ET @ \$5146	174964
TOTALS		1,604,208.20		746,170

NB: Water – 1ET per lot < 2000m²: 1.2 ET per lot > 2000m².