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# Concept Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979*, determine:

- a. Under Section 75O of the *Environmental Planning & Assessment Act 1979*, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- b. Under Section 75P(1)(c) of the *Environmental Planning & Assessment Act 1979*, that the Stage 1 project requires no further environmental assessment;
- c. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and be subject to the requirements set out in Part C of Schedule 2; and
- d. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development be subject to the requirements set out in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These modifications are required to:

- Adequately mitigate the environmental impact of the concept plan;
- Maintain the amenity of the local area; and
- Encourage the orderly future development of the site.



The Hon Kristina Keneally MP  
Minister for Planning

Sydney,

20/7/09

2009

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## SCHEDULE 1

### PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none"><li>• subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.</li><li>• Construction of a retail centre comprising a supermarket, restaurants and shops;</li><li>• Construction of a hotel;</li><li>• Construction of the associated road network and car parking;</li><li>• Construction of all necessary services; and</li><li>• Landscaping and open space</li></ul>
Type of development:	Concept Plan
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0258

#### Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act 1979*.

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**BCA** means Building Code of Australia

**Construction Certificate** means a construction certificate for bulk earthworks or civil works unless specified otherwise.

**Council** means Tweed Shire Council.

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**CPI** means Consumer Price Index.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

**Minister** means the Minister for Planning.

**Project** means the project as described in Condition A1 to this approval.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Preferred Project Report** means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

**Proponent** means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## SCHEDULE 2

### MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

#### PART A—ADMINISTRATIVE CONDITIONS

##### **A1     *Project Description***

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

- 1) Subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.
- 2) Construction of a retail centre comprising a supermarket, restaurants and shops;
- 3) Construction of a hotel;
- 4) Construction of the associated road network and car parking;
- 5) Construction of all necessary services; and
- 6) Landscaping and open space

##### **A2     *Staging***

The project is to be constructed in four stages generally as follows:

- (1) Stage 1 comprises:
    - (a) Bulk earthworks;
    - (b) Subdivision of the land into 61 lots;
    - (c) Construction of a retail centre;
    - (d) Closure of Dianella Drive;
    - (e) Construction of roads and services; and
    - (f) Landscaping.
  - (2) Stage 2 comprises:
    - (a) Development of mixed use lots 5, 12 and 17;
    - (b) Development of commercial lot 2; and
    - (c) Development of medium density residential lot 3.
  - (3) Stage 3 comprises:
    - (a) Development of mixed use lots 6 and 13; and
    - (b) Development of medium density residential lots 4, 10, 11 and 16.
  - (4) Stage 4 comprises:
    - (a) Development of medium density residential lots 7, 8, 9, 14 and 15; and
    - (b) Development of hotel lot 18.
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### **A3 Project in Accordance with Plans**

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

<b>Design Drawings prepared by ML Design</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
MP-31(N)		Concept Plan	17/08/09
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
MP-01-13(G)		Sun Study – Winter Solstice – June 21 – 3pm	17/08/09
<b>Design and Survey Drawings prepared by Cardno (Qld) Pty Ltd</b>			
DA22I	I	Existing Contours Plan	10/08/09
DA24K	K	Finished Surface Contours	10/08/09
DA39J	J	Subdivision Layout Plan	10/08/09
DA40L	L	Dedication and Easement Plan	10/08/09
DA41I	I	Staging Plan	10/08/09
8491-101	g	Tweed Coast Road/Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way/Town Centre Drive Intersection Concept Option 1	23/01/09
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09
8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-909	C	Public Parking	14/08/09

except for:

- (1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

### **A4 Project in Accordance with Documents**

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

Environmental Assessment Documentation

- a) *Environmental Assessment Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and,

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009.
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**A5      *Inconsistencies***

- (1) In the event of any inconsistency between:
  - a) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
  - b) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
  - c) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document shall prevail to the extent of the inconsistency.
- (2) If there is any inconsistency between this concept plan approval and any project approval or development consent, this concept plan approval shall prevail to the extent of the inconsistency.

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## **PART B—MODIFICATIONS TO THE CONCEPT PLAN**

### ***B1 Building Setbacks***

A minimum building setback of 2m shall be provided to all future lots adjoining the southern boundary of the 20m wide east-west open space corridor.

### ***B2 Cycleway***

The cycleway is modified such that:

- 1) the sharp right turn at the junction of lots 4, 10 and 11 is realigned to provide a provide a larger radius curve.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.

### ***B3 Retail Centre***

The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.

### ***B4 Bus Stops***

Casuarina Way is modified such that two indented bus bays including bus shelters (one in each direction) are provided within the site. Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.

### ***B5 Beach Access through Crown Reserve***

The proponent is to obtain approval from the Department of Lands regarding the provision of the proposed beach access to the east of the icon building.

Note: This may require the closure of one of the existing beach accesses.

Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of a Construction Certificate for Stage 1.

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## **PART C— REQUIREMENTS FOR FUTURE APPLICATIONS**

Pursuant to section 75P(1)(a) of the Act, future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and are subject to the following requirements:

### **C1     *Residential Flat Buildings***

All future applications involving the development of a residential flat building (within the definition of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings) is to include a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

### **C2     *Overshadowing***

Future applications for all three storey buildings are to include an assessment of the potential for overshadowing of both adjoining buildings and public open space areas (in particular, areas of public open space).

### **C3     *Footpath Trading***

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) require the submission of details in relation to any proposed footpath trading or alfresco dining activities.

### **C4     *Operational Management Plan***

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) and the hotel (Lot 18) require the submission of an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

### **C5     *Surf Lifesaving Facilities***

The future application for development of Lot 17 is to include details of the surf lifesaving facilities to be provided in the icon building. The application shall include written agreement to the proposed facilities from Surf Lifesaving Australia.

### **C6     *Noise Assessments***

All future applications involving development for non-residential uses are to include a noise assessment that considers potential impacts on surrounding residences both within the subject site and adjoining it. The assessment is to incorporate measures that mitigate the noise impacts of the development on the surrounding dwellings to levels considered acceptable by the NSW *Industrial Noise Policy* (EPA, 2000).

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**SCHEDULE 3**

**06\_0258**

**CASUARINA TOWN CENTRE**

**TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT  
AREA**

**STATEMENT OF COMMITMENTS**

**(SOURCE: PREFERRED PROJECT REPORT)**

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## 6.00 STATEMENT OF COMMITMENTS – CONCEPT PLAN

The following Statement of Commitments are referable to the Casuarina Beach Town Centre Concept Plan Application as originally lodged, reviewed and revised in this Preferred Project Report.

PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
1. Development Contributions	<ul style="list-style-type: none"> <li>The proponent will pay the lawful contributions in accordance with any condition(s) of consent calculated in accordance with any relevant Section 94 Contribution Plan(s), taking into account any referable or other applicable credits for prior contributions to the public benefit.</li> <li>Such contributions will be paid at each Stage of the development relevant to such payment.</li> </ul>	<ul style="list-style-type: none"> <li>The Proponent and the Local Government Authority agreeing to a range of lawful contributions to ensure the timely delivery of local infrastructure and community services.</li> <li>Provide certainty for the delivery and quality of the public domain elements of the project.</li> <li>Ensure the project's compatibility with local strategies.</li> </ul>	<ul style="list-style-type: none"> <li>Payment will be effected prior to the issue of a subdivision certificate for the Project Application for Stage 1 Works, namely, the Stage 1 construction of the proposed shopping centre and all roads, open space embellishment as contained in the Landscape Concept Report (EDAW) - see Attachment 2 and infrastructure works relating to sewer, water and drainage.</li> </ul>
2. Urban Design	<ul style="list-style-type: none"> <li>Urban Design Guidelines will be developed to ensure design excellence is achieved in the architecture of private buildings and the public domain (streets, parks and squares). This will include building designs and standards.</li> <li>The Guidelines will also take into account the Tweed DCP requirements and the Urban Design Report of Malcolm Middleton and the Landscape Concept Report (EDAW) see Attachment 2.</li> <li>The detailed Urban Design Guidelines will be provided as part of project or</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring that over the various stages of the development there is consistency of standards for the built environment.</li> <li>That the built form meets the best modern Australian coastal design standards.</li> <li>Ensuring that the Sustainability Objectives of the development are implemented.</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines issued prior to the issue of a Construction Certificate for any building works whether private or public.</li> <li>Construction of the built form both public and private will follow the issue of construction certificate for same.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>development applications for subdivision and infrastructure works or building works for each of the neighbourhood stages of the Town Centre.</p> <ul style="list-style-type: none"> <li>○ To ensure that the built forms meet the floor space ratios, heights and other criteria as contained in the table found at Section 5 "Project Amendments" of the Preferred Project Report.</li> <li>○ These guidelines will be submitted with future project or development applications for subdivision and infrastructure works.</li> <li>○ To ensure that any further development applications comply generally with the Concept Application Plans of approval.</li> </ul>		
3. Environmentally Sustainable Development	<ul style="list-style-type: none"> <li>○ The Proponent is committed to an adherence to the principles of sustainability as defined in the Environmental Planning and Assessment Act 1979. The proposed development will incorporate a range of relevant ESD initiatives to minimize the impact of the projected development on the environment including reduction in energy, water and waste generation by adherence to an implementation of, a suite of on-site management plans detailed in and/or attached to the Environmental Assessment, and upon which management protocols the proponent relies</li> </ul>	<ul style="list-style-type: none"> <li>○ Ensure that all development on the site is managed and designed in an environmentally sustainable manner.</li> </ul>	<ul style="list-style-type: none"> <li>○ From Stage 1 but will be implemented in all Stages of the Project.</li> </ul>
4. Foreshore Protection	<ul style="list-style-type: none"> <li>○ The proponent agrees to fund in perpetuity any restorative actions, including the erection of visual barriers, which may</li> </ul>	<ul style="list-style-type: none"> <li>○ A well-managed foreshore area which meets the best achievable environmental</li> </ul>	<ul style="list-style-type: none"> <li>○ ongoing</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>be required as a result of unauthorized tree or vegetation clearing fronting the development within Crown Reserve 1001008, to the satisfaction of the Department of Lands.</p> <ul style="list-style-type: none"> <li>Targeted surveys for the endangered species "<i>Geodorum densiflorum</i>" will be undertaken and mitigation measures for impacts on the species identified, to the extent identified by the survey.</li> <li>No asset protection zones will be located within the Crown Reserve 1001008.</li> <li>No works will be undertaken on Crown Reserve 1001008.</li> <li>The proponent undertakes to effect mitigation measures and to implement such measures for any works adjoining Crown land to ensure that there is no impact on the Crown land.</li> </ul>	<p>standards and meets the reasonable expectations of the local community</p>	
5. Open Space and Public Walkway/ Cycle Connections	<ul style="list-style-type: none"> <li>The proponent will dedicate 4164m<sup>2</sup> of privately held 7(f) zoned lands and 7351m<sup>2</sup> of privately held 2(e) zoned lands, aggregating 11515m<sup>2</sup>, (4.4% of the subject lands) as public open space to encourage a larger, more legible public realm which promotes permeability along the foreshore. The dedication will be in accordance with ML Design Plan No. MP30-(Q) and Cardno Drawing No. DA40(J).</li> <li>The public open space will facilitate the realignment and upgrading of the existing foreshore</li> </ul>	<ul style="list-style-type: none"> <li>The Town Centre Park will create a large open recreational area for the whole of the Casuarina Beach village. It will cater for a wide variety of public uses from passive recreation to organized public events.</li> <li>Allows full public access to the foreshore.</li> <li>Allows full north-south pedestrian and cycle permeability throughout the length</li> </ul>	<ul style="list-style-type: none"> <li>Lands to be dedicated in accordance with the ML Design Plan No. MP30-(Q) and Cardno Drawing No. DA40(J).ML will be embellished in accordance with Attachment 2 (EDAW) and dedicated to Council prior to the issue of a subdivision certificate for the Stage 1 Project Application Works.</li> <li>All landscape works including walkway/ cycleway</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>cycleway.</p> <ul style="list-style-type: none"> <li>This land has or will be dedicated to Tweed Council.</li> <li>The proponent will design and build all the landscape elements of the public space including the walkway/cycleway areas and in accordance with Attachment 2 (EDAW).</li> <li>Landscaping is to rely heavily on the use of native species.</li> <li>Provision will be made in the public domain for Surf Lifesaving Facilities as an adjunct to the Salt Surf Lifesaving Club.</li> </ul>	<p>of the site.</p> <ul style="list-style-type: none"> <li>Full north-south pedestrian and cycle permeability throughout the length of the site.</li> <li>Cycleway/walkways provide for easy east-west pedestrian and cycle links through the site.</li> <li>There will be an upgrading of the foreshore walkway/cycleway.</li> <li>The choice of local native plants will improve the habitat of the local fauna.</li> </ul>	<p>and open space works and embellishments will be completed prior to the issue of a subdivision certificate for the Stage 1 Works.</p>
6. Foreshore Access and Public Beachside Car Parking	<ul style="list-style-type: none"> <li>The proponent will establish approximately 175 metres of publicly accessible beach access consisting of parkland and esplanade roadway, directly east of the centre east west axis boulevard as shown on ML Design Plans MP-31(J) and MP-30(Q) and Cardno Eppell Olsen Plans Nos. 8491-901(F), 8491-902(F) and 8491-903(F).</li> <li>The proponent will provide a minimum of 170 car spaces at a rate of 300 public spaces per kilometre length of beach within 200m of the beach in accordance with the Cardno Eppell Olsen Plan 8491-909(C).</li> <li>The proponent will undertake these works and dedicate them to Council.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure full 24 hour a day access to the foreshore and walkway/cycleway for the public.</li> <li>Visitors to Casuarina Beach will have easy access to the parkland, the beach and the village facilities.</li> </ul>	<ul style="list-style-type: none"> <li>All car parking works and land to be dedicated for roads and car parking as depicted in ML Design Plans MP-31(J) and MP-30(Q) and Cardno Eppell Olsen Plans Nos. 8491-901(F), 8491-902(F), 8491-903(F) and 8491-909(C) completed prior to the issue of a subdivision certificate and dedicated as part of the subdivision certificate approval process.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
7. Traffic Management	<ul style="list-style-type: none"> <li>○ The proponent will design and construct all roads within the Town Centre in accordance with Australian Standards and in accordance with Cardno Drawing No. DA23(H).</li> <li>○ The roadworks include connecting Casuarina Way's missing north-south link and creating a new and safer access point to the Coast Road.</li> <li>○ The proponent will design and construct all the pedestrian and cycle pathways in accordance with Cardno Plans Nos. DA49(J) and DA42 and plans contained in Attachment 2 – Landscape Concept Report, Casuarina Town Centre (EDAW) – Pedestrian Links, Cycle Circulation.</li> <li>○ The road network will be capable of servicing the local bus needs. Provision for bus stops will be made.</li> <li>○ The proponent will design and install all the traffic management measures, like traffic lights, in accordance with Australian Standards as may be required by the Cardno Eppell Olsen Report forming part of this application and the conditions of approval of this application.</li> <li>○ The proponent will undertake the works required for Dianella Drive and as depicted in the Cardno Eppell Olsen report forming part of this application or as may be required by the conditions of approval.</li> </ul>	<ul style="list-style-type: none"> <li>○ There will be a high coordinated approach to the traffic management on the site.</li> <li>○ The mix will ensure that a proper hierarchy of roads and walkway/cycleways will be set up and the traffic movements are compatible with the pedestrian cycle movements particularly given the tourist village style of development.</li> <li>○ Separation of the retail traffic around the supermarket from the quieter recreational traffic uses near the foreshore.</li> <li>○ Creates the opportunity for improved and faster bus services.</li> <li>○ A safer exit/entry point to the Coast Road for the residents of Casuarina Beach.</li> </ul>	<ul style="list-style-type: none"> <li>○ All roadworks/ walkway/cycleway works will be constructed prior to the issue of a subdivision certificate for the lots created by the Stage 1 Works.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
8. Drainage Swale	<ul style="list-style-type: none"> <li>The proponent will dedicate the roads to Tweed Council at the time of applying for a subdivision certificate.</li> <li>The proponent will fill in the drainage swale.</li> <li>The swale will be replaced by underground stormwater pipe drainage before discharging back to the existing drainage system at the northern end of the playing field area.</li> <li>An area of 3180m<sup>2</sup> of the land comprising the swale will be dedicated as open space once it has been recontoured, grassed and a cycleway/walkway constructed thereon. The dedication shall be in accordance with ML Design Plan MP-30(Q) and Cardno Drawing No. DA40J.</li> </ul>	<ul style="list-style-type: none"> <li>An efficient drainage system which does not create any adverse environmental impacts.</li> <li>A more useable landscaped public area at grade with lands to the north and south of the current swale.</li> <li>A better edge treatment between lands to the north and south of the swale.</li> </ul>	To be constructed in Stage 1.
9. Infrastructure	<ul style="list-style-type: none"> <li>The proponent has identified in the Cardno Report the infrastructure required to support all of the proposed development in the Concept Plan. The areas of infrastructure include:               <ul style="list-style-type: none"> <li>sewerage</li> <li>water supply</li> <li>telecommunications</li> <li>electricity supply</li> <li>waste disposal</li> </ul> </li> <li>Specific commitments include:               <ul style="list-style-type: none"> <li>Upgrading of the pumps in Pump Station 2 and the installation of additional main capacity of the sewer mains.</li> <li>A connecting 150 mm diameter main to the main water supply.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Casuarina Beach Town Centre will be well serviced with all its basic infrastructure needs from the beginning of the project. The Town Centre site is infill development and its infrastructure has been designed to accord with the overall infrastructure designed for Casuarina Beach.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure works will be undertaken and will be completed prior to the issue of a subdivision certificate for the lots created by the application.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> <li>All infrastructure works will be carried out in accordance with <b>Cardno Drawings</b> referenced in <b>Exhibit Book 1</b> or as may be required by conditions of approval.</li> <li>The proponent undertakes to ensure that the quality of any runoff into Cudgen Creek and to the ocean, both during and after construction of the development, will be equal to or better than current levels.</li> </ul>		
10. Water Sensitive Urban Design	<ul style="list-style-type: none"> <li>The proponent commits to implementing a Water Sensitive Urban Design Strategy (WSUD) in accordance with the WSUD outlined in the <b>Cardno Report on Engineering and Environmental Matters dated June 2008</b> submitted as Attachment 2 to the Environmental Assessment Report.</li> <li>Specific actions are:               <ul style="list-style-type: none"> <li>The on-site stormwater management system will capture and retain virtually all the run-off from the site.</li> <li>The east west swale will be moved.</li> <li>Modifications to the frontal swale.</li> <li>Re-contouring of the site will improve the drainage patterns.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The system will substantially reduce the contaminant loads in Cudgen Creek and the Pacific Ocean.</li> <li>It meets environmentally sustainable principles.</li> </ul>	<ul style="list-style-type: none"> <li>The WSUD will be delivered at the same time as infrastructure works and prior to the issue of a subdivision certificate for the lots created by this application.</li> </ul>
11. Soil Contamination	<ul style="list-style-type: none"> <li>The proponent undertakes to comply with any and all guidelines endorsed by the relevant Authority to assess the extent of any surface or subsurface contamination prior to commencement of construction.</li> </ul>	<ul style="list-style-type: none"> <li>A safer site fit for habitation.</li> </ul>	<ul style="list-style-type: none"> <li>Works will be undertaken in Stage 1 and completed prior to the issue of a subdivision certificate for the lots created.</li> </ul>





PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
12. Management of Construction Noise, Vibration, Dust, Soils and Erosion	<ul style="list-style-type: none"> <li>Management of construction noise, vibration, dust, soil and erosion during the construction phase of the development will be undertaken strictly in accordance with the relevant management plans and in accordance with aforementioned and approved Environmental Management Plan for the development.</li> </ul>	<ul style="list-style-type: none"> <li>Minimise the impacts of the construction activity on the environment and on the neighbouring communities.</li> <li>Cleaner site during construction.</li> </ul>	<ul style="list-style-type: none"> <li>Implement prior to the issue of a construction certificate.</li> <li>During construction works.</li> </ul>
13. Management of Construction Waste	<ul style="list-style-type: none"> <li>The proponent undertakes to adopt approved targets as performance requirements for the management of construction waste as may be set by the conditions of approval.</li> </ul>	<ul style="list-style-type: none"> <li>Minimise the impacts of the construction activity on the environment and on the neighbouring communities.</li> </ul>	<ul style="list-style-type: none"> <li>Implemented prior to the issue of a construction certificate.</li> </ul>
14. Management of Construction Traffic	<ul style="list-style-type: none"> <li>A Construction Management Plan will be prepared prior to the issue of a Construction Certificate. The Plan will include the principles set out in this Report to minimize construction traffic impacts at all times of the construction process.</li> </ul>	<ul style="list-style-type: none"> <li>Minimise the impacts of the construction activity on the environment and on the neighbouring communities.</li> </ul>	<ul style="list-style-type: none"> <li>Implemented prior to the issue of a construction certificate.</li> </ul>
15. Aboriginal and European Cultural Heritage Assessment	<ul style="list-style-type: none"> <li>If human remains are located during the project, all works will halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal community and DECC will be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, the DECC should be contacted and notified of the situation and works will not resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues, works</li> </ul>	<ul style="list-style-type: none"> <li>A respectful recognition of past settlement of land.</li> </ul>	<ul style="list-style-type: none"> <li>Consultation will be undertaken within the Tweed Byron Local Aboriginal Council and if considered appropriate by the Aboriginal Council the commemorative will be created prior to the issue of a subdivision certificate for the subdivision created by the Project Application Stage 1 Works.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>will not resume in the designated area until approval in writing from the Police and DECC is obtained</p> <ul style="list-style-type: none"> <li>○ If Aboriginal cultural objects are uncovered due to the development activities, all works will halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives will be contacted to determine the significance of the find(s). The site will be registered in the AHIMS (managed by DECC) and the management outcome for the site included in the information provided to the AHIMS. (It is also recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose).</li> <li>○ All reasonable efforts will be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures will be negotiated with the Aboriginal community and DECC.</li> <li>○ If objects are uncovered the applicant will consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values.</li> </ul>		



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	<ul style="list-style-type: none"> <li>o An Aboriginal Cultural Education Program will be developed for the induction of personnel and contractors involved in the construction activities on site. The program will be developed in collaboration with the Aboriginal community.</li> <li>o The proponent will, in consultation with The Tweed Byron Local Aboriginal Council, give consideration to the erection of a suitable commemorative installation which could mark or identify the Aboriginal occupation of this part of the Tweed Coast and past disturbance to their heritage sites.</li> <li>o In conjunction with the Tweed Byron Local Aboriginal Land Council the proponent will give consideration to the interpretation, on site, of the sand mining history of the area and its shaping of the current coastal landscapes to establish an historical connection between the new suburb and its past setting.</li> <li>o A copy of the Report will be sent to:  The Chief Executive Officer Tweed Byron Local Aboriginal Land Council PO Box 1401 Kingscliff NSW 2487  Mr Kyle Slabb Tweed Byron Local Aboriginal Land Council PO Box 1401 Kingscliff NSW 2487</li> </ul>		



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	<p>Ms Jackie McDonald 63 Triuga Street West Tweed Heads NSW 2321</p> <p>Mrs Joyce Summers 26 Brier Crescent Varsity Lakes QLD 4227</p> <p>The Manager Aboriginal Heritage Information Management System Department of Environment and Climate Change PO Box 1967 Hurstville NSW 2770</p> <p>o Two copies of the Report will be sent to:</p> <p>Northern Region Archaeologist Northern Aboriginal Heritage Unit Department of Environment and Climate Change PO Box 914 Coffs Harbour NSW 2450</p>		
16. Flooding	<p>o The proponent undertakes that the development footprint will be located to avoid flooding impacts from a result of sea level rise and a probable maximum flood.</p> <p>o The proposed development will be in accordance with the NSW Government Flood Prone Land Policy.</p>	<p>o Reduce the impact of flooding and flood liability on occupants of the flood plain and to reduce losses resulting from flooding.</p>	<p>o Implemented prior to the issue of a construction certificate.</p>
17. Asset Protection	<p>o The proponent undertakes that all landscaping to the site is to comply with the principles of Appendix 5 of <i>Planning for Bushfire Protection 2006</i>.</p>	<p>o To ensure protection of the public and community assets generally.</p>	<p>o All landscape works will be completed prior to the issue of a subdivision certificate for the Stage 1 Works.</p>
18. Community and Stakeholder Engagement	<p>o The proponent undertakes to implement a complaints registration procedure to record and to address any and all issues in relation to</p>	<p>o The community and the local authorities are fully informed and consulted throughout every stage of the</p>	<p>o Community consultations have already been established. They will be maintained.</p>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>the construction phase of development.</p> <ul style="list-style-type: none"><li>○ The proponent commits to establishing community consultation mechanisms during the assessment and sales stages of the development.</li></ul>	<p>development of the project.</p>	<ul style="list-style-type: none"><li>○ Ongoing throughout every stage of the project.</li></ul>