

# Project Approval

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

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- Maintain the amenity of the local area;
- Encourage good urban design; and
- Adequately mitigate the environmental impact of the project and maintain the principles of ecologically sustainable development.



The Hon Kristina Keneally MP  
Minister for Planning

Sydney,

20/1/09

2009

## 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 the land into 61 lots;</li><li>• Construction of the supermarket anchored retail centre;</li><li>• Bulk earthworks and vegetation clearing;</li><li>• Construction of all roads;</li><li>• Closure of Dianella Drive;</li><li>• Provision of infrastructure and services; and</li><li>• Landscaping.</li></ul>
Type of development:	Project Application
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*.

#### Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

### 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

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

**Council** means Tweed Shire Council

**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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<b>PART A—ADMINISTRATIVE CONDITIONS.....</b>	<b>3</b>
<b>PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE .....</b>	<b>7</b>
CONTAMINATION.....	7
DESIGN DETAILS AND CHANGES .....	7
REMEDIATION / DEMOLITION / EARTHWORKS .....	8
CONSTRUCTION MANAGEMENT .....	9
TRAFFIC & PARKING .....	9
HEALTH .....	11
STORMWATER.....	11
<b>PART C—PRIOR TO COMMENCEMENT OF WORKS .....</b>	<b>17</b>
NOTIFICATION REQUIREMENTS .....	17
STRUCTURAL WORKS .....	17
POLLUTION CONTROL .....	18
SERVICES .....	18
CONTACT DETAILS .....	18
<b>PART D—DURING CONSTRUCTION .....</b>	<b>18</b>
CONSTRUCTION MANAGEMENT .....	18
STRUCTURAL WORKS .....	20
SITE MAINTENANCE .....	20
NOISE AND VIBRATION .....	21
EARTHWORKS .....	22
HERITAGE .....	23
<b>PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE .....</b>	<b>23</b>
EARTHWORKS .....	24
GEOTECHNICAL .....	25
SERVICES .....	26

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DEDICATION OF LAND .....	26
MONETARY CONTRIBUTIONS .....	28
<b>PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE .....</b>	<b>30</b>
EASEMENTS .....	31
<b>PART G—POST OCCUPATION .....</b>	<b>31</b>
FIRE SAFETY .....	31
TRAFFIC AND PARKING .....	31
NOISE .....	31
HAZARDOUS MATERIALS .....	32
PUBLIC ACCESS .....	32
<b>ADVISORY NOTES.....</b>	<b>33</b>

## SCHEDULE 2

### RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06\_0258

#### PART A—ADMINISTRATIVE CONDITIONS

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

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

- 1) Bulk earthworks and vegetation clearing;
- 2) Subdivision of the land into 61 lots comprising 38 low density residential lots, 18 super lots for future development, 3 open space lots and 2 lots for the purposes of drainage;
- 3) Construction of the retail centre with a total floor space of 4135m<sup>2</sup> comprising a maximum of 3660m<sup>2</sup> of retail floor space. The retail floor space is composed of:
  - a. supermarket of 2500m<sup>2</sup>;
  - b. shops of 850m<sup>2</sup>; and
  - c. restaurants of 310m<sup>2</sup>.

The retail centre will provide car parking for a total of 248 vehicles (including 72 spaces in a basement car park);

- 4) Construction of roads and car parking;
- 5) Closure of Dianella Drive at its intersection with Tweed Coast Road;
- 6) Realignment of the foreshore walkway/cycleway;
- 7) Landscaping;
- 8) Signage for the retail centre; and
- 9) Provision of associated services i.e. water, sewerage, stormwater drainage, electricity supply and telecommunications.

##### **A2 Project in Accordance with Plans**

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

Architectural (or Design) Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
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
Engineering Drawings prepared by Cardno (QLD) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA22I	I	Existing Contours Plan	10/08/09

DA23J	J	Road Layout Plan	10/08/09
DA24K	K	Finished Surface Contours	10/08/09
DA25I	I	Cut / Fill Depths Layout Plan	10/08/09
DA26G	G	Site Cross Sections	10/08/09
DA27I	I	Erosion & Sediment Control Layout Plan	10/08/09
DA28F	F	Road No.1 Longitudinal Section	10/08/09
DA29D	D	Casuarina Way (Road No.2) Longitudinal Section	10/08/09
DA30E	E	Road No 3 (Casuarina Way) and Road No 4 Longitudinal Sections	10/08/09
DA31G	G	Road No 5 Longitudinal Section	10/08/09
DA32F	F	Road No 6 Longitudinal Section	10/08/09
DA33F	F	Road No 7 Longitudinal Section	10/08/09
DA34E	E	Typical Cross Sections Sheet 1	10/08/09
DA35G	G	Typical Cross Sections Sheet 1	10/08/09
DA36I	I	Catchment Areas and Drainage Paths	10/08/09
DA37I	I	Sewer Reticulation Layout Plan	10/08/09
DA38H	H	Water Reticulation Layout Plan	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
DA44B	B	Proposed Frontal Cycleway/ Drainage Re-alignment Layout Plan	10/08/09

**Traffic Engineering Drawings prepared by Cardno Eppell Olsen**

Drawing No.	Revision	Name of Plan	Date
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
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept Path (Forward In)	14/08/09
8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	C	19M Articulated Vehicle Swept Path	14/08/09
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
8491-906	E	Parking Bay Dimensions	03/07/09
8491-907	D	Parking Bay Dimensions	23/01/09
8491-908	E	Bus and Car Swept Path	14/08/09
8491-909	E	Public Parking	14/08/09
<b>Supermarket Architecture Drawings prepared by Donovan Hill</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09
DA13	H	Shadow Diagrams	30/01/09
DA14	I	Building Signage Details	13/08/09
<b>Landscape Drawings prepared by EDAW</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
08		Vehicular Street Hierarchy	August 2009
09		Pedestrian Links	August 2009
010		Cycle Circulation	August 2009
011		Street Tree Strategy	August 2009
012		Entrance Statement	August 2009
013		The Boulevard	August 2009
014		Main Street	August 2009
015		Casuarina Way	August 2009
016		Local Roads	August 2009
017		Pedestrian Links	February 2009
018		Foreshore Reserve Management Area	August 2009
019		Indicative Sections – Foreshore Reserve	August 2009
020		Civic Park	August 2009
021		Public Carpark Section	August 2009
022		Retail Centre	August 2009

### **A3 Project in Accordance with Documents**

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

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



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

**A4     *Inconsistency between documents***

In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to in Conditions A3 and A4, the conditions of this approval prevail to the extent of the inconsistency.

**A5     *Building Code of Australia***

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

**A6     *Use of Certain Machinery***

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

**A7     *Landscaping on Private Land***

The proponent shall ensure that landscaping provided in private ownership is maintained at all times to the standard approved in the Landscape Plan required herein.

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## **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### ***Contamination***

#### ***B1 Contamination***

Following clearing works, and prior to the commencement of earthworks or any construction activities, surface and full depth radiation investigations (to a minimum of ground water level) shall be conducted across the whole development site including areas in public ownership. The site shall be remediated prior to commencement of construction on the site.

Prior to the issue of a Construction Certificate the Proponent shall submit to the Council a Remedial Action Plan and a Hazardous Materials Survey. Council will identify minimum remediation depths for both private and public open spaces. As a minimum, remediation should occur to a depth of 2 metres or below the lowest service infrastructure, whichever is the greater. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.

### ***Design Details and Changes***

#### ***B2 Design Modifications***

The design of the layout and buildings shall be amended as follows:

- (1) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The proposed easement shall be modified accordingly.
- (2) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.
- (3) 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.
- (4) Two indented bus bays including bus shelters shall be provided on Casuarina Way (one in each direction). Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.

Details shall be submitted to and approved by the Department prior to the issue of a Construction Certificate.

#### ***B3 Flora and Fauna***

A study of the site for the suitability of habitat for the Pink Nodding Orchid (*Geodorum densiflorum*) shall be undertaken by a suitably qualified orchid specialist. The results of the study shall be submitted to the Department of Planning and the Department of Environment and Climate Change (DECC) for approval.

Should the study find that the site provides suitable habitat for the species, a targeted survey shall be undertaken by a suitably qualified orchid specialist during the flowering season for the species. The results of the targeted survey and any proposed measures to mitigate impacts on this species shall be submitted to the Department of Planning and DECC for approval prior to the issue of a Construction Certificate.

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**B4      *Disabled Access***

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

***Retail Centre*****B5      *Operational Management Plan***

Prior to the issue of a Construction Certificate the proponent shall submit to the Certifying Authority 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.

***Remediation / Demolition / Earthworks*****B6      *Acid Sulfate Soil Management Plan***

A detailed Acid Sulfate Soil Management Plan for the site shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall cover the entire site and be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**B7      *Pre-Construction Dilapidation Reports***

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to Council.

**B8      *Grading of Fill***

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

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a s68 stormwater application for Council approval prior to the issue of a Construction Certificate.

**B9      *Construction Compliance Bond and Long Service Levy***

- (1) Prior to the issue of a Construction Certificate, 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 \$1,552).

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this approval which are not being addressed to the satisfaction of the Council.

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The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.

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

## **Construction Management**

### **B10 Construction Management Plan**

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) hours of work;
- b) contact details of site manager;
- c) traffic and pedestrian management;
- d) noise and vibration management;
- e) construction waste management;
- f) erosion and sediment control; and,
- g) flora and fauna management.

### **B11 Traffic & Pedestrian Management Plan**

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

- a) ingress and egress of vehicles to the site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and
- d) pedestrian and traffic management methods.

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

## **Traffic & Parking**

### **B12 Intersection of Tweed Coast Road and The Boulevard**

Both right turn lanes (northbound) required at the proposed Tweed Coast Road and The Boulevard intersection shall be designed and constructed at the proponent's cost. All land required to facilitate the intersection lanes and signalised works at this intersection shall be dedicated to Council at no cost prior to the issue of the first subdivision certificate.

Note: Notwithstanding any condition of this approval regarding the installation of traffic signals, the applicant shall obtain the approval of the Roads and Traffic Authority of NSW for the installation of any traffic signals.

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**B13 Intersection of Tweed Coast Road and The Boulevard**

A dedicated left turn auxiliary lane with a minimum length of 25m shall be constructed on The Boulevard (westbound) at the proposed Tweed Coast Road/The Boulevard intersection. Details of the intersection shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**B14 Intersection of Casuarina Way and The Boulevard**

The proponent shall provide a SIDRA assessment for a roundabout option at the intersection of Casuarina Way and The Boulevard road so that it can be assessed for signal warrants within RTA guidelines. A roundabout will provide for intersection control consistency along Casuarina Way (roundabouts have been provided at cross intersections). The proponent will need to consider whether pedestrians can be adequately catered for (refuges, linemarking) with regard to the roundabout option.

**B15 Road Reserve Width of Casuarina Way**

The road reserve width of Casuarina Way between Dianella Drive and The Boulevard shall be increased to include a minimum footway area behind the parking bays of 3.5m.

**B16 Dianella Drive Closure**

The proposed cul-de-sac to facilitate closure of Dianella Drive shall be constructed with a minimum kerb radius of 12.5m. In addition, the cul-de-sac carriageway shall be located a minimum of 10 metres from the edge of the Tweed Coast Road carriageway when constructed to four lanes. The cul-de-sac shall be totally screened so as to not be seen from Tweed Coast Road or permeate vehicle headlights and be provided with a permanent barrier to prevent any vehicular access to Tweed Coast Road.

**B17 Car Park and Service Vehicle Layout**

- (1) The layout of car parks shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area of the retail centre shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

**B18 Car Park and Service Vehicle Layout**

Prior to the issue of a Construction Certificate, design details of the proposed exit from the shopping centre/retail area must be submitted to the satisfaction of the Certifying Authority demonstrating that the exit shall be used as an exit for service vehicles only with appropriate signage and delineation provided internally preventing use by non-service vehicles.

**B19 Carparking**

All car parking shall be provided in accordance with the approved plans, including disabled parking in accordance with Tweed Shire Council's Development Control Plan Part A2 – Site Access and Parking Code.

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## **Health**

### **B20 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

### **B21 Design of Food Premises**

The fitout of the food premises shall be carried out in accordance with the Food Premises and Equipment Standard 3.2.3 of the Australia New Zealand Food Standards Code. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **Stormwater**

### **B22 Stormwater and Drainage Works Design**

Final design plans of the stormwater drainage systems within the proposed subdivision, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

### **B23 Stormwater and Drainage Works Design**

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

- (a) The Construction Certificate Application shall include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

### **B24 Design of Piped Drainage System**

Detailed engineering plans and calculations of the east-west drain shall be provided to Council as part of a s68 Local Government Act Stormwater Application, requiring separate Council approval prior to the issue of a Construction Certificate. The application shall include the following:

- (a) a design that conveys the 100 year ARI stormwater flow, with a safety factor of 1.5 applied to design rainfall intensity, and providing a 0.5m freeboard before water can surcharge into adjoining land.

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- (b) The inlet structure at the coastal swale shall be designed to accept the 100 year ARI inflow, with measures to minimise blockage.
  - (c) The east-west drain shall be aligned to minimise bends that may reduce hydraulic capacity or create blockage points.
  - (d) The works shall not result in batter slopes exceeding 1:4 (vertical:horizontal). The works must maintain minimum clearances and cover to all underground public infrastructure, as specified in Council's DCP Section A5 - Subdivision Manual, and associated Development Design and Construction Specifications.
  - (e) The design of the east-west drain shall incorporate all existing drainage outlets to the existing drainage swale, including any major system flow paths.
  - (f) Design detail that demonstrates the equivalency of the proposed stormwater infiltration system with the plan "Infiltration Basin Configuration - Draining to Controlled Outlet No.11", Cardno MBK, Plan Reference SK No.7079/1-24 Rev B, 7 March 2001. Infiltration basins shall be designed to absorb the 3 month ARI (deemed to be 40% of the 1 year ARI event) storm runoff from the public stormwater system, based on a maximum infiltration rate determined in accordance with Council's Development Design Specification D7 - Stormwater Quality Section D7.9.9. Design detail must clearly identify the size and extent of the contributing catchment to each infiltration basin. Infiltration basins shall be wholly contained within land dedicated to Council. Basins shall be readily maintainable, and shall only contain structures and other infrastructure where it does not conflict with performance objectives or maintainability.

#### **B25 Stormwater Works for Retail Centre**

The shopping centre development shall provide an internal stormwater infiltration system that meets the following design criteria:

- (a) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (b) The infiltration rate for sizing infiltration devices shall be 3m per day.
- (c) As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (g) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (h) All infiltration devices are to be designed to allow for construction and operation vehicular loading.

Design details are to be submitted to Council for approval prior to the issue of a Construction Certificate.

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**B26    *Roof Water Disposal***

Details of the proposed roof water disposal, including surcharge overland flow paths are to be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate. These details shall include likely landscaping within the overland flow paths.

**B27    *Drainage for Lots***

Inter allotment drainage shall be provided to **all** lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.

**B28    *Erosion and Sediment Control***

Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of Development Design Specification D7 - Stormwater Quality.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

**B29    *Local Government Act Approval (section 68 Approval)***

A s68 stormwater drainage application is required for works that involve any of the following:-

- (a) connection of a private stormwater drain to a public stormwater drain;
- (b) installation of stormwater quality control devices; and
- (c) erosion and sediment control works.

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

Where Council is requested to issue a construction certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under section 68 of the LG Act will then NOT be required.

**B30    *Road Design***

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All roads shall be designed in consultation with the relevant requirements of Council and the RTA (as applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**B31    *Landscaping Plan***

The detailed landscape plan shall be prepared by a suitably qualified landscape architect and shall generally incorporate the following:

**B32    *Landscaping Plan***

A detailed landscape plan shall be prepared for all landscaping proposed. The plan shall clearly delineate between landscaping in future public areas as well as private areas. The



landscape plans shall be prepared by a landscape architect or landscape consultant and approved by Council prior to issue of a Construction Certificate. Detailed landscape plans depicting landscape works in public areas shall be subject to the approval of Tweed Shire Council's Director of Engineering and Operations. The detailed landscape plan shall include the following documentation -.

- (a) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of proposed buildings indicating doors and windows and extent of basement carparking if applicable. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.
- (b) Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.
- (c) Easements on or adjacent to the site.
- (d) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.
- (e) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.
- (f) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).
- (g) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.
- (h) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.
- (i) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.
- (j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;
  - species listed by botanical and common names, with the majority of plants constituting local native species;
  - expected mature size of the species at the site, taking in to consideration site specific parameters;
  - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
  - maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.

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- (k) A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.
  - (l) Planting design which demonstrates adequate screening of views to the development from Tweed Coast Road. Screening should be consistent with the current streetscape character of Tweed Coast Road.
  - (m) The location of all cycleways and pathways proposed on the site, including proposed construction materials.
  - (n) The location of all Asset Protection Zones as approved by the Rural Fire Service.
  - (o) Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.
  - (p) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.
  - (q) The landscape plans for public open space areas (to be dedicated to Council) shall demonstrate that all bridges, boardwalks or similar structures associated with cycleways, parks or pedestrian paths are of robust construction and designed to minimise long term maintenance. The subframe will be either hardwood, recycled plastic, fibre composite or similar material. The decking, kickboards and handrails shall utilise appropriate recycled plastic materials.
  - (r) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17a or steeper, such slopes shall be densely planted in accordance with the landscaping plan. The plan shall include:
    - (i) Contours and terraces where the height exceeds 1m.
    - (ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
    - (iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
    - (iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the site and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

Note: Landscape plans depicting landscape works in public areas are to be consistent with:

- a) Tweed Shire's DCP Section A5 - Subdivision Manual
- b) Development Design Specification D14 – Landscaping Public Space

Current draft appendices to D14 include 'Landscape Procedures and Style Manual' and 'Master Specification for supply and installation of Landscape and Turf Irrigation Systems'.

### **B33 Retaining Walls**

Details from a Structural Engineer are to be submitted to the Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

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**B34 Plans to be Submitted**

Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Certifying Authority for approval.

- (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) stormwater drainage
  - (iv) water supply works
  - (v) sewerage works
  - (vi) landscaping works
  - (vii) sedimentation and erosion management plans
  - (viii) location of all service conduits (water, sewer, Country Energy and Telstra)

The *Environmental Planning and Assessment Act 1979* (as amended) makes no provision for works under the *Water Management Act 2000* and *Section 138 of the Roads Act* to be certified by an Accredited Certifier.

**B35 Lighting**

The proponent shall submit a detailed plan depicting all lighting proposed on the site. The lighting shall be designed so as to not adversely impact or create nuisance on surrounding locality or residential development. All details are to be approved by Council. All lighting shall:

- (a) Comply with the AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting and other relevant Australian Standards;
- (b) Ensure car parking lighting does not spill beyond the boundaries of commercial and non-residential sites;
- (c) Provide adequate lighting for public open space and public access areas (including cycleways and pathways) for safety;
- (d) Outline maintenance requirements and energy efficiency ratings of lighting proposed in public open space areas and easement areas used for public access.

**B36 Emergency Access**

Prior to the issues of a Construction Certificate design details shall be submitted to the satisfaction of the Certifying Authority demonstrating that emergency access for 4 wheel drive vehicles shall be provided to the beach, via the realigned east/west cycleway link and coastal cycleway, or an alternate clearly delineated route. Where the emergency access requires a bridge over the Coastal swale, the bridge shall be designed for adequate vehicle loading for emergency vehicles.

**B37 Subdivision Works Accredited Certifier**

The proponent shall appoint an Accredited Certifier in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the certifier shall possess accreditation in the following categories:

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C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

The certifier shall provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to issue of a Construction Certificate

## **PART C—PRIOR TO COMMENCEMENT OF WORKS**

### ***Notification Requirements***

#### **C1      *Notice to be Given Prior to Commencement / Excavation***

- (1) The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
- (2) The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.
- (3) The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

### ***Structural Works***

#### **C2      *Structural Details***

Prior to the commencement of construction at each stage of the project, the Proponent shall submit to the satisfaction of the Principal Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

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

#### **C3      *Retaining Walls***

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

### ***Pollution Control***

#### **C4      *Erosion and Sediment Control***

Prior to commencement of work on the site, all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act 1993* is to be clearly displayed on the most

prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided. This sign is to remain in position for the duration of the project.

## **Services**

### **C5 Existing Services**

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

### **Contact Details**

### **C6 Contact Telephone Number**

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

### **C7 Occupational Health and Safety**

Prior to the commencement of works, the proponent shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-

- (1) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
- (2) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
- (3) WorkCover Regulations 2000

## **PART D—DURING CONSTRUCTION**

### **Construction Management**

### **D1 Approved Plans to be On-site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

### **D2 Site Notice**

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

- 1) Details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- 2) The approved hours of work;

- 3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

### **D3 Use of Public Land**

At no time shall any structure or entry statement signs be located on public land or road reserves at the entry area of the development. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, parking areas, driveways or pedestrian walkways outside or immediately adjacent to non-commercial premises.

### **D4 Public Access**

Safe public access along the public foreshore reserve shall be available at all times during construction and rehabilitation.

### **D5 Protection of Trees – Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction of any stage of the project, shall be replaced, to the satisfaction of Council.

### **D6 Council Inspections**

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

#### **Roadworks**

- 1) Pre-construction commencement erosion and sedimentation control measures
- 2) Completion of earthworks
- 3) Excavation of subgrade
- 4) Pavement - sub-base
- 5) Pavement - pre kerb
- 6) Pavement - pre seal
- 7) Pathways, footways, bikeways - formwork/reinforcement
- 8) Final inspections - on maintenance
- 9) Off Maintenance inspection

#### **Water Reticulation, Sewer Reticulation, Drainage**

- 10) Excavation
- 11) Bedding
- 12) Laying/jointing
- 13) Manholes/pits
- 14) Backfilling
- 15) Permanent erosion and sedimentation control measures
- 16) Drainage channels

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17) Final inspection - on maintenance

18) Off maintenance

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

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

## ***Structural Works***

### ***D7 Setting Out of Structures***

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved project application.

## ***Site Maintenance***

### ***D8 Erosion and Sediment Control***

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

### ***D9 Erosion and Sediment Control Inspections***

Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

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

### ***D10 Disposal of Seepage and Stormwater***

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### ***D11 Dust Control Measures***

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,

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- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
  - (3) All materials shall be stored or stockpiled at the best locations,
  - (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
  - (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
  - (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
  - (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
  - (8) Cleaning of footpaths and roadways shall be carried out regularly.

### **Noise and Vibration**

#### **D12 Hours of Work**

The hours of construction for all stages of the project, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 1:00 pm, Saturdays; and
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

#### **D13 Construction Noise Objective**

- (1) The construction noise objective for all stages of the project is to manage noise from construction activities (as measured by a LA10 (15minute) descriptor) so it does not exceed the background LA90 noise level by more than 5dB(A).
- (2) Background noise levels are those identified in the Environmental Assessment or otherwise identified in the approved Construction Management Plan. The Proponent shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- (4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.



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#### **D14 Construction Noise Management**

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
  - (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Management Plan.

#### **D15 Vibration Criteria**

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

#### **Earthworks**

##### **D16 Earthworks**

Proposed earthworks shall be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

##### **D17 Disposal of Material**

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

##### **D18 Surrounding Roads**

The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the proponent's expense and any such costs are payable prior to the issue of a Subdivision Certificate.

##### **D19 Road Construction**

- (1) Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval. The design shall demonstrate:
  - (a) That the pavement has been designed in accordance with Tweed Shire Council's Development Design Specification, D2.

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- (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
  - (c) That site fill areas have been compacted to the specified standard.
  - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- (2) During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.
- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
  - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

## **Heritage**

### **D20 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects**

In the event that future works during any stage of the project disturb Aboriginal cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological consultant. The Department of Environment and Climate Change and the Tweed-Byron Local Aboriginal Land Council (LALC) must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the Department of Environment and Climate Change and the Tweed-Byron LALC.

## **PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **E1 Part 4A Certificate**

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

The following information must accompany an application for a Subdivision Certificate:

- (1) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- (2) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

Note: The *Environmental Planning and Assessment Act 1979* (as amended) makes no provision for works under the *Water Supplies Authorities Act 1987* to be certified by an Accredited Certifier.

### **E2 Compliance Certificate**

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

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

Note:

i) All compliance certificate applications must be accompanied by documentary evidence from the developers Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the project approval, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

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

### **E3 Defect Liability Bond**

Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council.

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the 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.

Note: The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

### **E4 Maintenance Bond**

Prior to the issue of a Subdivision Certificate, 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.

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.

### **Earthworks**

#### **E5 Contamination**

Upon completion of the remediation works on the site, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

#### **E6 Retaining Walls**

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the Subdivision Certificate application and shall state

that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

## **Geotechnical**

### **E7 Dilapidation Report**

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the Principal Certifying Authority, prior to issue of the Subdivision Certificate.

### **E8 Registration of Easements / Restrictions to use / Right of carriageway**

- 1) The creation of easements for services, rights of carriageway 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. 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.
  - c. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- 2) 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.
- 3) 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.
- 4) 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 as to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
  - (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.
  - (c) A restriction as to user for all lots adjoining the 20m wide easement containing the east/west cycleway link to:
    - (i) Prohibit the construction of fences within the easement; and
    - (ii) Provide a minimum building setback of 2m to the boundary of the easement.
  - (d) A restriction as to user for all lots requiring the infiltration of all stormwater runoff from roof, hardstand / carparking, and impermeable landscaping areas in storm events up to the 3 month ARI event (deemed to be 40% of the 1 year ARI event), assuming a maximum infiltration rate of 3m per day.

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- (e) 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.
- 5) 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.

## **Services**

### **E9 Electricity**

Prior to the issue of a Subdivision Certificate the following is to be provided to the PCA:

- (1) The production of written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed; and
- (2) The reticulation is to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.

### **E10 Water and Sewerage**

Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with Tweed Shire Council's *Development Control Plan Part A5 - Subdivisions Manual*, Council's *Development Design and Construction Specifications* and the Construction Certificate.

Note: The *Environmental Planning and Assessment Act 1979* (as amended) makes no provision for works under the *Water Management Act 2000* to be certified by an Accredited Certifier.

### **E11 Utilities – Telephone and Electricity Services**

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

## **Dedication of Land**

### **E12 Dedication of Open Space**

- (1) The Proponent must make necessary arrangements for the dedication of the open space areas to Council within the subdivision prior to release of a Subdivision Certificate.
- (2) The areas indicated in the approved plans as public open space shall be dedicated and embellished at no cost to Council in accordance with the approved landscaping plan.
- (3) A deed of agreement shall be prepared with Council to allow the proponent to carry out management and maintenance works on this land for 36 months following establishment.
- (4) An accurate plan of the public open space in the north of the site shall be submitted to Council 60 days prior to lodgement of Application for Subdivision Certificate (form 13) to allow the land to be classified.

### **E13 Dedication of Internal Roads**

All internal roads shall be constructed by the proponent and dedicated to Council as public roads prior to issue of a Subdivision Certificate. Upon dedication Council will be responsible for the on-going maintenance of the roads.

#### **E14 Road Names**

- (1) The proponent shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- (2) Application for road naming shall be made on Councils Property Service Form and be accompanied by the prescribed fees as tabled in Councils current Revenue Policy - "Fees and Charges".
- (3) The application shall also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

#### **E15 Damage to Public Infrastructure**

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

#### **E16 Stormwater Gully Lintels**

All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification.

#### **E17 Asset Creation Form**

Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

#### **E18 Works As Executed Plans**

Prior to the issue of a Subdivision Certificate, Works as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council *Development Control Plan A5 - Subdivisions Manual* and Council's *Development Design and Construction Specification, D13 - Engineering Plans*.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer certifying that:

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

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

#### **E19 Survey marks**

Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks shall be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

## **E20 CCTV Inspection**

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

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

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

## **Monetary Contributions**

### **E21 Section 94 Monetary Contributions**

#### **(1) Amount of Contributions**

Name of Contribution Plan			
	No. of ET	\$ per ET	Sub-Total
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	1653.6 trips	\$930	\$1,537,848
TRCP Sector 7_4 LCA4 - Casuarina			\$254,654
Street Trees	51	\$297	\$15,147
Shirewide Library Facilities	51	\$688	\$35,088
Bus Shelters	51	\$26	\$1,326
Eviron Cemetery	51	\$131	\$6,681
Community Facilities (Casuarina Beach / Kings Forest)	51	\$1,443	\$73,593
Emergency Facilities (Surf Lifesaving)	51	\$200	\$10,200
Extensions to Council Administration Offices and Technical Support Facilities	51	\$1996.80	\$101,836.80
Regional Open Space (Casual)	51	\$855	\$43,605
Regional Open Space (Structured)	51	\$2327	\$118,677
<b>TOTAL CONTRIBUTIONS PAYABLE</b>			<b>\$2,198,655.80</b>

Note: Contribution Plan credits can be obtained from both Zone 6 Contributions (four laning of Tweed Coast Road) and Local Area Charge 4 (various traffic signals) under Contribution Plan No. 4. All other proposed roads and intersections are to be constructed at the developer's expense.

#### **(2) Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Tweed Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.

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

### **(3) Section 94 Plans**

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

## **E22 Section 64 Monetary Contributions**

A certificate of compliance under Sections 305, 306 and 307 of the *Water Management Act 2000* is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with Tweed Shire Council.

Pursuant to Clause 146 of the *Environmental Planning and Assessment Regulation 2000*, a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Principal Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

The current charges applicable are:

Charge	Calculation	Total
Development Servicing Plan for Water Supply Services (July 2007)	64.18ET x \$10,346.90	\$664,064.00
South Kingscliff Water Levy	64.18ET x \$240	\$15,403.20
Development Servicing Plan for Sewerage Services (July 2007)	68.48ET x \$4972.1	\$340,489.40
<b>TOTAL</b>		<b>\$1,019,956.60</b>

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

A copy of the Section 64 contribution plans may be inspected at Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

## **PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **F1 Stormwater Quality Control Devices**

Prior to the issue of an Occupation Certificate, the proponent shall produce a copy of the satisfactory inspection report issued by Council for all s68h2 permanent stormwater quality control devices.

### **F2 Fire Safety Certificate**



A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the PCA.

### ***F3 Annual Fire Safety Statement***

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

### ***F4 Mechanical Ventilation***

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The project approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

### ***F5 Structural Inspection Certificate***

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### ***F6 Road Damage***

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

## ***Easements***

### ***F7 Registration of Easements***

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

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## **PART G—POST OCCUPATION**

### **G1     *Demand Management Strategy***

The proponent shall be required to implement the basic recommendations of the Tweed Shire Council Demand Management Strategy – Stage 1, as prepared by MWH Australia, 2008 (DMS) (for water) which requires that development types other than individual detached dwellings should use rainwater tanks connected to 80 to 90 per cent of the roof area and plumbed to supply toilet flushing, laundry cold water, external and any other appropriate uses that may be available.

### ***Fire Safety***

### **G2     *Annual Fire Safety Certification***

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### ***Traffic and Parking***

### **G3     *Loading and Unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

### **G4     *Unobstructed Driveways and Parking Areas***

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

### ***Noise***

### **G5     *Retail Centre Hours of Operation***

The hours of operation for the supermarket and retail shops shall be restricted to between:

<b>Day</b>	<b>Commencement time</b>	<b>Cessation time</b>
Monday	8:00am	9:00pm
Tuesday	8:00am	9:00pm
Wednesday	8:00am	9:00pm
Thursday	8:00am	9:00pm
Friday	8:00am	9:00pm
Saturday	8:00am	9:00pm
Sunday	8:00am	9:00pm
Public Holidays	8:00am	9:00pm

### **G6     *Retail Centre Service Delivery Hours***

The hours of service deliveries to the retail centre shall be restricted to between:

Day	Commencement time	Cessation time
Monday	6:00am	5:00pm
	7:00pm	10:00pm
Tuesday	6:00am	5:00pm
	7:00pm	10:00pm
Wednesday	6:00am	5:00pm
	7:00pm	10:00pm
Thursday	6:00am	5:00pm
	7:00pm	10:00pm
Friday	6:00am	5:00pm
	7:00pm	10:00pm
Saturday	6:00am	9:00am
	12:00pm	10:00pm
Sunday	6:00am	9:00am
	12:00pm	10:00pm
Public Holidays	6:00am	9:00am
	12:00pm	10:00pm

#### ***G7 Noise Control – Plant and Machinery***

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

#### ***Hazardous Materials***

#### ***G8 Storage of Hazardous or Toxic Material***

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

#### ***Public Access***

#### ***G9 Public Way to be Unobstructed***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **ADVISORY NOTES**

#### ***AN1 Requirements of Public Authorities for Connection to Services***

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or

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adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

## **AN2    *Disability Discrimination Act***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

## **AN3    *Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

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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)**



## 7.00 STATEMENT OF COMMITMENTS – PROJECT APPLICATION FOR STAGE 1 WORKS

The following Statement of Commitments are referable to the Casuarina Beach Town Centre Project Application for Stage 1 Works as originally lodged, reviewed and revised in this **Preferred Project Report**.

PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
19. Development Contributions	<ul style="list-style-type: none"> <li>The proponent will pay the lawful contributions in accordance with any condition(s) of consent granted under Part 4 of the Act and 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 and the Development Control Plan for Casuarina Beach.</li> </ul>	<ul style="list-style-type: none"> <li>Payment will be effected prior to the issue of a construction certificate for any contributions relating to the shopping centre and prior to the issue of a subdivision certificate in respect of the other Stage 1 works.</li> </ul>
20. 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> </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>	Guidelines issued prior to the issue of a construction certificate for any building works in any of the subdivision lots.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> <li>○ The detailed Urban Design Guidelines will be provided as part of project or development applications for subdivision and infrastructure works or building works for each of the neighbourhood stages of the Town Centre.</li> <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 <b>Preferred Project Report</b>.</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>		
21. 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</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>	From Stage 1 but will be implemented in all Stages of the Project.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	detailed in and/or attached to the Environmental Assessment, and upon which management protocols the proponent relies.		
22. Open Space and Public Walkway/ Cycleway 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 <b>ML Design Plan No. MP30-(Q)</b> and <b>Cardno Drawing No. DA40(J)</b>.</li> <li>○ The public open space will facilitate the realignment and upgrading of the existing foreshore cycleway.</li> <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 <b>Attachment 2 (EDAW)</b></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>	<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>○ Public access to the foreshore will be maintained and improved.</li> <li>○ Full north-south pedestrian and cycle permeability throughout the length of the site.</li> <li>○ Cycleway/walkways provide easy east-west pedestrian and cycle links through the site at various locations.</li> <li>○ The coastal walkway/cycleway will be realigned, upgraded and appropriately landscaped to link into the cycleway/walkway to the south and north.</li> <li>○ The choice of local native plants will improve the habitat of the local fauna.</li> </ul>	<ul style="list-style-type: none"> <li>○ Lands to be dedicated in accordance with the <b>ML Design Plan No. MP30-(Q)</b> and <b>Cardno Drawing No. DA40(J)</b>. ML will be embellished in accordance with <b>Attachment 2 (EDAW)</b> 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 and open space works and embellishments will be completed prior to the issue of a subdivision certificate for the Stage 1 Works.</li> <li>○ To be dedicated in Stage 1</li> </ul>





PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
23. 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 <b>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)</b></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 <b>Cardno Eppell Olsen Plan 8491-909(C)</b></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 works to be completed prior to the issue of a subdivision certificate for the lots created by this application. Any land dedication required for this commitment will be made as part of the subdivision certificate application.</li> <li>To be dedicated in Stage 1.</li> </ul>
24. 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 <b>Cardno Drawing No. DA23(H)</b></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 <b>Cardno Plans Nos. DA40(J) and DA42</b> and plans contained in <b>Attachment 2 – Landscape Concept Report, Casuarina Town Centre (EDAW) –</b></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> </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 pursuant to the Application.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p><b>Pedestrian Links, Cycle Circulation</b></p> <ul style="list-style-type: none"> <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> <li>○ The proponent will dedicate the roads to Tweed Council at the time of applying for a subdivision certificate</li> </ul>	<ul style="list-style-type: none"> <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>	
25. 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</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
	<p>Station 2 and the installation of additional main capacity of the sewer mains.</p> <ul style="list-style-type: none"> <li>• A connecting 150 mm diameter main to the main water supply.</li> <li>• All infrastructure works will be carried out in accordance with <b>Cardno Drawings Nos DA23(H) to DA46</b>, inclusive, 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>		
26. 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> </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> <li>○ The use of infiltration basins to allow stormwater to replenish the aquifer.</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.</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> <li>Re-contouring of the site will improve the drainage patterns.</li> </ul>		
27. Soil Contamination	<ul style="list-style-type: none"> <li>Consequent upon the site being cleared, the proponent will undertake at-grade and subsoil tests in accordance with the <b>Cardno Report on Engineering and Environmental Matters dated June 2008</b>. The tests will be similar to those undertaken elsewhere in Casuarina Beach and in the neighbouring Salt and Seaside City developments. Should it be deemed necessary, the proponent will undertake such works as may be required to ensure any levels of contamination are remediated to acceptable levels as previously accepted by Tweed Shire Council.</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>
28. 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>
29. 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>During construction works</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
30. 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 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 and managed during construction.</li> </ul>
31. Community and Stakeholder Engagement	<ul style="list-style-type: none"> <li>○ The proponent undertakes to implement a complaints registration procedure to record and to address any and all issues in relation to the construction phase of development.</li> <li>○ The proponent commits to establishing community consultation mechanisms during the assessment and sales stages of the development in accordance with report of Pro Media forming part of this application.</li> </ul>	<ul style="list-style-type: none"> <li>○ The community and the local authorities are fully informed and consulted throughout every stage of the projects' development.</li> </ul>	<ul style="list-style-type: none"> <li>○ Community consultations have already been established. They will be maintained.</li> <li>○ Ongoing throughout every stage of the project.</li> </ul>
32. Project Application for Stage 1 Works - General	<ul style="list-style-type: none"> <li>○ The proponent will subdivide the land into 56 lots, construct roads and infrastructure, create open space and construct the supermarket in accordance with the plans and drawings contained in the <b>Preferred Project Report - Exhibit Book 2</b></li> </ul>	<ul style="list-style-type: none"> <li>○ A quality subdivision designed and built in accordance with the approved Plans and an architecturally significant supermarket to service residents and the visitor community</li> </ul>	To be constructed in Stage 1
33. Essential urban services and infrastructure	<ul style="list-style-type: none"> <li>○ The proponent will clear vegetation on the Town Centre site, then the land will be reshaped to achieve the desired development outcome.</li> <li>○ The proponent will undertake all the bulk earthworks for all subject lands zoned Residential 2e – Tourist Residential and the privately owned 7(f) Environment Protection – Coastal lands.</li> </ul>	<ul style="list-style-type: none"> <li>○ Ensure that all the infrastructure needs of the subdivision are fully met and no burden is left with the service providers or the wider community.</li> <li>○ Ensure that ESD principles are employed in the provision of the infrastructure.</li> <li>○ To try and achieve a harmonious</li> </ul>	To be constructed in Stage 1 and to be completed prior to the issue of a subdivision certificate for the lots created.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> <li>○ The proponent will provide all reticulated services (water, sewerage, stormwater drainage) to the each created lot to the approved standards. External infrastructure, with the exception of sewerage, will meet Australian standards.</li> <li>○ The proponent will construct a 250mm diameter main to connect to the existing 150mm diameter main to the north, the new main to be constructed along the proposed road alignment of Casuarina Way from the northern connection to the road entrance to Lot 1. From that point, a new 150mm diameter main will connect to the existing 150mm diameter main to the south.</li> <li>○ The existing sewer main runs from the south-eastern corner of the Northern Precinct along the drainage swale to Pump Station No 2 on the Coast Road.</li> <li>○ The proponent will relocate the existing sewer main along the new Casuarina Way road alignment.</li> <li>○ The proponent will upgrade the pumps in Pump Station No 2, and the installation of additional rising main capacity in the Tweed Coast Road.</li> <li>○ The proponent will undertake all landscaping on site to meet the expectations of the</li> </ul>	relationship between the natural environment and built environment.	



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>residential and visitor community and other statutory requirements.</p> <ul style="list-style-type: none"> <li>○ All of the above works shall be constructed and completed in accordance with drawings and plans contained in <b>Exhibit Book 2</b></li> </ul>		
34. Drainage Swale	<ul style="list-style-type: none"> <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 <b>ML Design Plan MP-30(Q)</b> and <b>Cardno Drawing No. DA40J</b></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.
35. Road System	<ul style="list-style-type: none"> <li>○ The proponent will construct all roads in accordance with Australian Standards.</li> <li>○ The proponent will construct all roads proposed within the subject land, including kerbside, basement and other public car parking areas.</li> <li>○ The proponent will construct the "missing link" north-south road link (Casuarina Way) extending from Steelwood Lane at the southern end to the</li> </ul>	<ul style="list-style-type: none"> <li>○ Provision of an efficient, safe road network that adheres to Australian Standards.</li> <li>○ Provision of an esplanade and walkway/cycleway enabling public access to the beach.</li> <li>○ An urban design which will create a sense of community.</li> </ul>	To be constructed in Stage 1 and will be completed prior to the issue of a subdivision certificate.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Dianella Drive roundabout in the north.</p> <ul style="list-style-type: none"> <li>○ The road reserve width (20m) and cross sections proposed will match all the existing sections of Casuarina Way.</li> <li>○ The proponent will construct an esplanade which will be integrated into the road network along part of the eastern boundary of part of the land.</li> <li>○ The proponent will create an additional pedestrian beach access point which will be integrated into the road network.</li> <li>○ The proponent will realign the foreshore cycleway/walkway along the coastal frontage of the site as well as vegetation clearing and associated earthworks, minor road construction and drainage swale works within the 7(f) zone both publicly and privately owned.</li> <li>○ The proponent will physically close Dianella Drive at its intersection with Coast Road, and construct a cul-de-sac for reasons of safety.</li> <li>○ The works will be undertaken in accordance with the plans listed as referable to the Project Application for Stage 1 Works contained in <b>Exhibit Book 2</b></li> </ul>		
36. Retail/ Commercial	<ul style="list-style-type: none"> <li>○ The proponent will construct a shopping centre in accordance with submitted Plans (<b>Donovan Hill Architecture Plans</b> for</li> </ul>	<ul style="list-style-type: none"> <li>○ A vibrant retail / commercial precinct catering to the needs of the local community and the tourists visiting the</li> </ul>	To be constructed in Stage 1.





PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Project Application for Stage 1 Works contained in <b>Exhibit Book 2)</b></p> <ul style="list-style-type: none"> <li>○ The shopping centre design will have               <ul style="list-style-type: none"> <li>• A high degree of pedestrian accessibility.</li> <li>• Interactive street frontages serviced by limited on-street parking.</li> <li>• Fully covered, highly visual public realm which accentuates the character and identity of the Town Centre.</li> <li>• Basement and at-grade parking.</li> </ul> </li> <li>○ The shopping centre will comprise:               <ul style="list-style-type: none"> <li>• supermarket (2500m<sup>2</sup>)</li> <li>• specialty shops (850m<sup>2</sup>)</li> <li>• restaurants (310m<sup>2</sup>)</li> <li>• amenities (75m<sup>2</sup>)</li> <li>• office (first floor) (400m<sup>2</sup>)</li> <li>• 264 car spaces</li> <li>• attached signage</li> </ul> </li> <li>○ The shopping centre will be constructed in accordance with <b>Donovan Hill Architects</b> drawings <b>DA01H, DA02H, DA03H, DA04H, DA05I, DA06H, DA07H, DA08H, DA09H, DA10H, DA11H, DA12H, DA13H, and DA14H</b> (see <b>Exhibit Book 2)</b></li> </ul>	<p>area.</p> <ul style="list-style-type: none"> <li>○ The local shopping centre will reduce traffic on the Coast Road. This also provides environmental benefits.</li> </ul>	
37. Asset Protection	<ul style="list-style-type: none"> <li>○ The proponent undertakes that at the commencement of building works and in perpetuity, the proposed</li> </ul>	<ul style="list-style-type: none"> <li>○ To provide sufficient space and to maintain reduced fuel loads so as to ensure that radiant heat levels of</li> </ul>	<ul style="list-style-type: none"> <li>○ All Asset Protections works and services will be completed prior to the issue of</li> </ul>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Stage 1 Works shall be managed entirely as an "Inner Protection Area" as outlined within <i>Planning for Bushfire Protection 2006</i> and the Rural Fire Service's document <i>Standards for Asset Protection Zone</i></p> <ul style="list-style-type: none"> <li>○ The provision of water, electricity and gas services will comply with Section 4.1.3 of <i>Planning for Bushfire Protection 2006</i></li> <li>○ Public road access will comply with Section 4.1.3(1) of <i>Planning for Bushfire Protection 2006</i></li> <li>○ New construction will comply with Appendix 3 – Site Bushfire Attack Assessment of <i>Planning for Bushfire Protection 2006</i></li> </ul>	<p>buildings are below critical limits and to prevent direct flame contact with the building</p> <ul style="list-style-type: none"> <li>○ To provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of a fire to a building</li> <li>○ To provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area</li> </ul>	<p>construction certificates for the implementation of Stage 1 Works.</p>
38. Community Stakeholder Management	<ul style="list-style-type: none"> <li>○ The proponent undertakes to consult with community and local authorities throughout the construction phase of Stage 1 when necessary.</li> </ul>	<ul style="list-style-type: none"> <li>○ The community and the local authorities are fully informed and consulted throughout the construction of Stage 1.</li> </ul>	<p>Ongoing Community consultation throughout the Project.</p>