

Project Approval

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

The Planning Assessment Commission (PAC), under delegation signed by the Minister for Planning and Infrastructure on 14 September 2011, pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) approve the project referred to in Schedule 1, subject to the conditions of approval in Schedules 2 & 3 and the Statement of Commitments in Schedule 4.

These conditions are required to:

- to confirm and clarify the terms of approval;
- to advise of matters to be resolved prior to the commencement of works;
- ensure development occurs on the basis on which it was assessed;
- ensure adequate mitigation of environmental impacts of the project; and
- ensure protection and restoration of threatened species and their habitat.

**PAC
Commissioner**

**PAC
Commissioner**

**PAC
Commissioner**

Sydney,

2012

SCHEDULE 1

Application No.:

07_0089

Proponent:

Leighton Properties Pty Ltd

Approval Authority:

Minister for Planning and Infrastructure

Land:

Lot 490 DP 1095234, part Lot 489 DP 47021 and part Lot 500 DP 1095235, Casuarina Way South Kingscliff Tweed LGA

Project:

Tourist resort comprising 180 units*, conference centre, restaurant, bar, retail unit, pool facilities, internal road network and associated infrastructure works. Community facilities comprising interpretive/multi-purpose space, public amenities building, children's playground, public pontoon, tennis court, half-basketball court, cycleway, walking trails, picnic shelters, beachside and creek side car parking areas, site rehabilitation works to riparian and dunal areas

*Note resort unit number has been amended by conditions.

DEFINITIONS

Advisory Notes	means advisory information relating to the approved project but do not form a part of this approval
BCA	means Building Code of Australia
Council	means Tweed Shire Council
Certifying Authority	means a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue Part 4A certificates
Construction Certificate	means a construction certificate for bulk earthworks or civil works unless specified otherwise
Crown Lands	means the Crown Lands Division as part of the Department of Primary Industries or its successors
OEH	means the Office of Environment & Heritage or its successors
Department	means the Department of Planning & Infrastructure or its successors.
Director-General	means the Director-General of the Department or his/her nominee
Ecological Assessment	means the report by James Warren and Associates provided with the Environmental Assessment dated March 2010
Environmental Assessment	means the Environmental Assessment prepared by Jim Glazebrook & Associates Pty Ltd and dated April 2010, including all Appendices
EP&A Act	means the <i>Environmental Planning & Assessment Act 1979</i>
Occupation Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act
Minister	means the Minister for Planning and Infrastructure
NOW	means the NSW Office of Water or its successors
PoM	means the Lot 490 Draft Plan of Management dated May 2005
Preferred Project Report	means the Preferred Project Report prepared by Jim Glazebrook & Associates Pty Ltd dated January 2011 and supplementary information provided by the proponent up until 28 October 2011
Project	means the project as described in Schedule 1
Proponent	means Leighton Properties Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i>
RFS	Means the Rural Fire Service
Resort Component	means the main tourist resort premises proposed within the indicative 'Eco-Tourism' development area in the PoM
Site	means the land identified in Schedule 1
Subdivision Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act

Schedule 2



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SCHEDULE 3
CONDITIONS OF APPROVAL

Major Project No. 07_0089

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- (1) Construction of a tourist resort east of Casuarina Way on Lot 1 DP 1117599 comprising 127 units/bungalows consisting of:
 - 40x2 Bed Units
 - 8x2 Bed Units [Accessible]
 - 28x2 Bed Bungalows;
 - 4x2 Bed Bungalow [Accessible]
 - 38x3 Bed Bungalows
 - 9x1 Beach Side Bungalows)

Of this above, the 48x2 bed units and the 32x2 bed Bungalows are dual key units.

Note: due to environmental constraints, approval has not been given to thirty six (36) 2 bedroom units, six (6) 2 bedroom bungalows, six (6) 3 bedroom bungalows and five (5) beachside bungalows. Amendments to the project application are detailed in Part B of this schedule.

- (2) Central Resort Facilities including:
 - reception [100m²]
 - administration / office (90m²)
 - conference facility [250m²]
 - bar [100m²]
 - restaurant [156m²]
 - kitchen [200m²]
 - amenities [60m²]
 - storage area [86m²]
 - retail area [75m²])
 - Interpretive/Multi-Purpose Space [150m²]
 - Resort pool area including
 - pool, barbeque area
 - children's play area
 - associated buildings [302m²])
- (3) Maintenance Area /Staff amenities including maintenance and staff buildings [515m²] and staff car parking area);
- (4) Public car parking for the resort facilities
- (5) 60 beachside parking spaces
- (6) Pedestrian and cycle paths
- (7) Integrated landscaping stormwater/drainage infrastructure
- (8) Works west of Casuarina Way on Lot 2 DP 1117599 for construction of public facilities including:
 - pedestrian/cycle paths
 - public carparking; bike racks
 - picnic shelters
 - pontoon access to Cudgen Creek
 - tennis court
 - half basketball court

- implementation of Cudgen Creek riparian zone rehabilitation and management.
- (9) Environmental rehabilitation works on part Lot 489 DP47021;
- (10) Works on part Lot 500 DP727420 comprising:
- pedestrian paths and cycleway network connection
 - public beachside amenities (toilets, showers, picnic shelters, children's playground, circuit training facilities, bike racks)
 - implementation of dunal rehabilitation and management
 - Pontoon access for non-motorised craft to Cudgen Creek.

A2 *Staging*

The project is to be constructed in two (2) stages generally in accordance with the Staging Plan No. MP-01-13 (C) prepared by JMA Architects dated 7 October 2010 as follows:

- (1) Stage 1 comprises:
- (a) construction of bedroom units; bedroom bungalows; bedroom bungalows and beachside bungalows (as listed on Staging Plan)
 - (b) community facilities including:
 - i. environmental revegetation of the dune and riparian management areas
 - ii. pedestrian pathways
 - iii. children's playground
 - iv. public toilets and shower facilities
 - v. bike racks
 - vi. public riparian and beachside car parking
 - vii. multi purpose space / interpretive centre
 - viii. circuit training facilities
 - ix. half basketball court
 - x. tennis court
 - xi. pontoon / creek access point
 - (c) south western access to the resort from Casuarina Way for construction access for Stage 2 works
 - (d) staff / maintenance facilities in the south west corner of the site
- (2) Stage 2 comprises the remainder of the project

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

A3 *Project in Accordance with Plans*

The project is to be undertaken generally in accordance with the following drawings:

Architectural (or Design) Drawings prepared by JMA Architects			
Drawing No.	Revision	Name of Plan	Date
MP-01-3	J	SITE PLAN*	14/10/2010
MP-01-5	F	AERIAL SITE COVERAGE VIEW*	6/10/2010
MP-01-4	J	MP-SITE CONSTRAINTS*	20/10/2010
MP-01-13	C	STAGING PLAN*	7/10/2010
MP-01-8	B	BUSHFIRE APZ PLAN*	8/10/2009

MP-02-1	A	SITE ELEVATIONS*	21/04/2009
MP-02-2	A	SITE ELEVATIONS & SECTIONS*	08/05/2009
MP-03-1	A	NORTH ELEVATION*	08/05/2009
MP-03-2	A	CROSS SECTIONS*	21/04/2009
MP-03-3	A	SOUTH & EAST ELEVATIONS*	21/04/2009
RF-02-2	A	RF RESORT FACILITIES FLOOR PLAN	21/04/2009
RF-02-3	A	RF RESORT FACILITIES LOWER FLOOR PLAN	02/04/2009
RF-02-4	A	RF RESORT FACILITIES ROOF PLAN	02/04/2009
RF-02-5	A	RF RESORT FACILITIES AREA SCHEDULE	01/04/2009
RF-02-6	A	RF RESORT FACILITIES ELEVATIONS	02/04/2009
RF-02-7	A	RF RESORT FACILITIES SECTIONS	02/04/2009
RF-02-8	A	RF RESORT FACILITIES SECTIONS	02/04/2009
PA-03-2	A	PA POOL AREA SITE PLAN AND AREA SCHEDULE	02/04/2009
PA-03-3	A	PA POOL AREA FLOOR PLAN	21/04/2009
PA-03-4	A	PA POOL AREA ELEVATIONS	02/04/2009
PA-03-5	A	PA POOL AREA SECTIONS	02/04/2009
MA-04-1	A	MAINTENANCE AREA FLOOR PLAN & MODEL VIEW	02/04/2009
MA-04-2	A	MAINTENANCE AREA ELEVATIONS & SECTIONS	02/04/2009
DW-01-1-1	A	BSB BEACH SIDE BUNGALOW LOWER FLOOR PLAN	02/04/2009
DW-01-1-2	A	BSB BEACH SIDE BUNGALOW UPPER FLOOR PLAN	02/04/2009
DW-01-1-3	A	BSB BEACH SIDE BUNGALOW ROOF FLOOR PLAN	02/04/2009
DW-01-2-1	A	BSB BEACH SIDE BUNGALOW SECTIONS	02/04/2009
DW-01-2-2	A	BSB BEACH SIDE BUNGALOW ELEVATIONS	02/04/2009
DW-02-1-1	A	B2 2BED BUNGALOW FLOOR PLAN	02/04/2009
DW-02-1-2	A	B2 2BED BUNGALOW ROOF PLAN	02/04/2009
DW-02-2-1	A	B2 2BED BUNGALOW FRONT & REAR ELEVATIONS	02/04/2009
DW-02-2-2	A	B2 2BED BUNGALOW	02/04/2009

		SIDE ELEVATION & SECTIONS	
DW-03-1-1	A	B3 3BED BUNGALOW LOWER FLOOR PLAN	02/04/2009
DW-03-1-2	A	B3 3BED BUNGALOW UPPER FLOOR PLAN	02/04/2009
DW-03-1-3	A	B3 3BED BUNGALOW ROOF FLOOR PLAN	02/04/2009
DW-03-2-1	A	B3 3BED BUNGALOW ELEVATIONS	02/04/2009
DW-03-2-2	A	B3 3BED BUNGALOW ELEVATION & SECTIONS	02/04/2009
DW-04.1.1	A	LOWER & UPPER FLOOR PLANS	02/04/2009
DW-04.1.2	A	UP UNIT POD ROOF PLAN	02/04/2009
DW-04.2.1	A	UP UNIT POD ELEVATIONS	02/04/2009
DW-04.2.2	A	UP UNIT POD SECTIONS	02/04/2009
DW-05-1-1	A	FULLY ACCESSIBLE TYPES UPA UNIT POD LOWER FLOOR	02/04/2009
DW-05-1-2	A	FULLY ACCESSIBLE TYPES B2A 2BED BUNGALOW FLOOR PLAN	02/04/2009
		KINGSCLIFF RESORT BEACH SIDE BUNGALOWS EXTERNAL ELEVATIONS	05/12/2008
Engineering Drawings prepared by VDM Consulting			
Drawing No.	Revision	Name of Plan	Date
KE3655-SKI	E	STORMWATER DRAINAGE SYSTEM PLAN*	06/10/2008
QC00-3655	A	JETTY CONCEPT PLAN OPTION 1	
KE3655-SKI	C	INTERNAL SEWER SCHEMATIC LAYOUT*	Dec 2009
KE3655-SKI	C	INTERNAL WATER SCHEMATIC LAYOUT*	18/12/2009
KE3655-SKI	C	CONCEPTUAL EARTHWORKS PLAN*	Dec 2009
KE3655-SKI	C	ROAD & ACCESS LAYOUT PLAN*	Dec 2009
Figure 2.2	A	TYPICAL ROAD, CYCLEWAY & WALKWAY CROSS SECTIONS	Oct 2008
Figure 3.3		OPERATIONAL CONTROL CONCEPT PLAN*	06/11/2008
Figure 4.4 N400	A	OPERATIONAL CONTROL PLAN*	28/09/2010
Figure 5.1	1	SEDIMENT & EROSION PLAN*	03/10/2008
Appendix E		CONCEPTUAL PEDESTRIAN REFUGE FACILITY	
Landscape Drawings prepared by LVO Architecture			
Drawing No.	Revision	Name of Plan	Date
LP-03		MASTER PLAN 1 – KINGSCLIFF RESORT*	21/09/2010

LP-04		MASTER PLAN 2 – RIPARIAN CORRIDOR	24/09/2010
DP-04		CENTRAL FACILITY BUILDINGS	21/09/2010
LP-05		LANDSCAPE STORMWATER MANAGEMENT*	12/05/2009
DP-01		ENTRY STATEMENT SIGNAGE	08/10/2008
DP-02		FEATURE ENTRY WALLS	08/10/2008
DP-04		BOUNDARY FENCE*	08/05/2009
DP-05		UNITS*	08/05/2009
DP-06		POOL & BBQ FACILITY	08/05/2009
DP-07		BUNGALOWS*	08/05/2009
LS-01		BUNGALOW ELEVATION	13/10/2008
LS-02		ENTRY ROUNDABOUT SECTION & PLAN	17/10/2008
LS-03		WETLAND PRECINCT PLAN	17/10/2008
LS-04		UNIT SECTION*	17/10/2008
LS-05		FIRE BREAK SECTION*	17/10/2008
LI-01		LANDSCAPE HARD ELEMENTS	26/08/2008
LI-02		SITE FURNITURE	26/08/2008
LI-03		LIGHTING & PLAYGROUND	26/08/2008
LI-04		PLANT PALETTE – TREES	10/09/2008
LI-05		PLANT PALETTE – SHRUBS	16/09/2008
LI-06		PLANT PALETTE – GROUNDCOVER	16/10/2008
LI-07		PROPOSED PLANT PALETTE	24/09/2008
LI-08		EPHEMERAL IMAGERY	01/09/2008
* denotes as modified by Part B of this schedule			

A4 *Project in Accordance with Documents*

The project is to be undertaken generally in accordance with the following documents:

- (1) *Environmental Assessment* prepared by Jim Glazebrook & Associates Pty Ltd on behalf of Leighton Properties Pty Ltd, dated April 2010;
- (2) *Preferred Project Report/Response to Submissions* prepared by Jim Glazebrook & Associates Pty Ltd on behalf of Leighton Properties Pty Ltd, dated November 2010;
- (3) *Riparian Management Plan* prepared by James Warren & Associates on behalf of Leighton Properties Pty Ltd dated 23 November 2010;
- (4) *Dune Management Plan* prepared by James Warren & Associates on behalf of Leighton Properties Pty Ltd dated 23 November 2010; and
- (5) the Statement of Commitments provided in Schedule 4.

A5 Section 94 Development Contributions

- (1) The payment of the following monetary contributions pursuant to section 94 of the EP&A Act is payable prior to the issue of a construction certificate for the relevant stage. The Table is based on the development as amended by Conditions A1 and B2:

S94 Plan No. 4 Tweed Road Contribution Plan (TRCP)			
	Trips per day	\$ per Trip	Sub-Total
Stage 1	539.1	\$1,145	\$617,270
Stage 2	277.76		\$318,035
S94 Plan No. 5 Open Space (Casual) (See (5))			
	No of ET	\$ per ET	Sub-Total
Stage 1	60.4606	\$526	\$31,802
Stage 2	67.3364		\$35,419
S94 Plan No. 11 Shirewide Library Facilities			
	No of ET	\$ per ET	Sub-Total
Stage 1	60.4606	\$792	\$47,885
Stage 2	67.3364		\$53,330
S94 Plan No. 15 Community Facilities (Shirewide)			
	No of ET	\$ per ET	Sub-Total
Stage 1	60.4606	\$1,325	\$80,110
Stage 2	67.3364		\$89,221
S94 Plan No. 18 Extensions to Council Administration Offices & Technical Support Facilities			
	No of ET	\$ per ET	Sub-Total
Stage 1	61.0332	\$1,772.82	\$108,200.88
Stage 2	67.3364		\$119,375.32
S94 Plan No. 22 Cycleways (see (5))			
	No of ET	\$ per ET	Sub-Total
Stage 1	60.4606	\$451	\$27,268
Stage 2	67.3364		\$30,369
S94 Plan No. 26 Regional Open Space (Casual)			
	No of ET	\$ per ET	Sub-Total
Stage 1	60.4606	\$1042	\$63,000
Stage 2	67.3364		\$70,165
Sub-Total Stage 1			\$975,535.88
Sub-Total Stage 2			\$715,914.32
Total			\$1,691,450.20

- (2) The contribution must 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.
- (3) A copy of the Section 94 contribution plans may be inspected at Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah NSW 2484.
- (4) Contribution rates are as at May 2012 and will be subject to indexing as indicated in Council's Contribution Plans.
- (5) Council may consider works-in-kind for cycleways and casual open space in lieu of monetary payment. The final monetary contribution for this component is to be subject to the agreement of the Council.

A6 Section 64 Monetary Contribution

- (1) Contributions plans relevant to the subdivision include:
- a) Development Servicing Plan for Water Supply Services (July 2007)

- b) Development Servicing Plan for Sewerage Services (July 2007)
- c) Prior to the issue of a construction certificate for the relevant stage, the proponent must pay the following contributions to Council pursuant to Section 64 of the *Local Government Act 1993*. The Table is based on the development as amended by Conditions A1 and B2:

	Water Supply Services		Sewerage Services	
	Calculation	Total	Calculation	Total
Stage 1	\$11,571 x 64.46ET \$269 x 64.46ET	\$745,866.70 \$17,340.00	\$5560 x 97.553ET	\$542,394.70
Stage 2	\$11,571 x 42.38ET \$269 x 42.38ET	\$490,379.00 \$11,400.00	\$5560 x 57.1ET	\$317,476.00
Sub-Total	Stage 1	\$763,206.70		\$542,394.70
Sub-Total	Stage 2	\$501,779.00		\$317,476.00
Total		\$1,264,985.70		\$859,870.70

- (2) These charges are 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) A copy of the Section 64 contribution plans may be inspected at Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah NSW 2484.

A7 Surf Life Saving Actions

The proponent shall address the recommendations of the report *Kingscliff Resort Development Coastal Public Safety Risk Assessment and Treatment* (September 2010) including the recommendations relating to signage of beach hazards and the system for beach supervision and life saving service level. Advice on the implementation of the recommendations are to be provided for the approval of the Director- General, prior to issue of the first construction certificate.

A8 Inconsistency between documents

In the event of any inconsistency between:

- (1) The conditions of this approval and the Statement of Commitments (at Schedule 4), the conditions of this approval prevail;
- (2) The conditions of this approval and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval prevail; and
- (3) Any drawing/document listed in conditions A3 and A4 and any other drawing/document listed in conditions A3 and A4, the most recent document must prevail to the extent of the inconsistency;

A9 Lapsing of Approval

In order that the approval remains relevant to the planning intent for the area, the approval must lapse 5 years after the determination date in Part A of Schedule 1 of this approval unless the proponent has demonstrated to the satisfaction of the Director-General that work has physically commenced.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Requirement for amended plans

Within 60 days of the date of this approval, the proponent must submit amended plans to the Director-General demonstrating that all design modifications required in this project approval have been satisfied. In particular, the proponent must demonstrate compliance with Condition B2 of this approval.

B2 Design Modifications

In order to adequately mitigate the environmental impacts of the project, the design of the proposal must be amended as follows:

- (1) Thirty six (36) 2 bedroom units, six (6) 2 bedroom bungalows, six (6) 3 bedroom bungalows and five (5) beachside bungalows must be deleted from the project layout (equating to 53 units/bungalows or a 30% reduction) resulting in a total of 127 units/bungalows in the resort component, as shown in Schedule 2.
- (2) The project layout is to be re-configured to demonstrate that the footprint of the resort layout maintains all vegetation described as “Banksia integrifolia with occasional Cupaniopsis anacardioides” on FIGURE 1 IMPACTS ON BANKSIA INTEGRIFOLIA (JWA, Dec 2010) provided with the Preferred Project Report.
- (3) Establish a 30m landscape visual buffer along Casuarina Way. This buffer is to be maintained as an inner protection area as outlined within Appendices 2 & 5 of *Planning for Bushfire Protection 2006* and remain free of any fences, buildings, structures and hardstand areas, as shown in Schedule 2.
- (4) Re-position the part of the resort layout adjacent to the freshwater wetland area (described in Figure 7 of the Ecological Assessment as “Community 14 – Sedgeland”) to provide a five (5) metre exclusion zone around this wetland.
- (5) Deletion of forty six (46) car parking spaces for tourist accommodation to be replaced by landscape plantings.

B3 RFS Bushfire Requirements

- (1) The developable part of the site to the south and east of Casuarina Way must be managed as an inner protection area as outlined within Appendices 2 & 5 of *Planning for Bushfire Protection 2006*.
- (2) The following minimum asset protection zones must be provided to the units/bungalows:
 - a) North, north-west and westerly aspects of 45 metres
 - b) Easterly aspect of 35 metres
- (3) Construction must comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire prone-areas and section A3.7 Addendum Appendix 3 *Planning for Bushfire Protection 2006*.
- (4) The internal road network must be a one way system.
- (5) Prior to the re-submission of the amended plan to the department referred to in condition B1, the proponent must have referred the amended plan to the RFS for endorsement and incorporated any changes required, if any.

B4 Construction Standards for Flood Affected Units

- (1) Prior to issuing any construction certificate, the proponent must demonstrate to the satisfaction of Council that the development has been designed such that any habitable areas are able to be located above the flood planning level of 3.10m AHD, or as determined by council's flood policy as in force at the time of issue of the construction certificate for each stage.

- (2) Each stage of the development must be designed to ensure that the flood management (including evacuation measures to ground above the probable maximum flood) arrangements for the site (as it relates to the relevant stage of the project) is consistent with *Tweed DCP Section A3 – Development of Flood Liable Land* or its successive document and *NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010* or successive document. The development is to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

B5 Construction Management Plan

Prior to the issue of a construction certificate for each stage of the project, a Construction Management Plan must be submitted to and approved by the certifying authority. A copy of the approved plan must be submitted to council. The Plan must address, but not be limited to, the following matters where relevant:

- (1) hours of work;
- (2) contact details of site manager;
- (3) traffic and pedestrian management;
- (4) noise and vibration management;
- (5) construction waste management;
- (6) erosion and sediment control; and,
- (7) flora and fauna management.

B6 Traffic & Pedestrian Management Plan

Prior to the issue of a construction certificate for each stage of the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RMS publication 'Traffic Control at Works Sites' Version 2 must be prepared by an RMS accredited person, and must be submitted to and approved by the certifying authority. Safe public access must be provided at all times. The plan must address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The proponent must submit a copy of the approved plan to council.

B7 Construction Waste Management Plan

Prior to the issue of a construction certificate for any stage of the project, a Waste Management Plan must be prepared by a suitably qualified person to the satisfaction of the certifying authority. The proponent must submit a copy of the plan to the satisfaction of council.

B8 Erosion and Sediment Control Plan

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

- (1) The construction certificate application for each stage of the project must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of council's *Development Design Specification D7 - Stormwater Quality*.
- (2) Construction phase erosion and sediment control must 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.

B9 Casuarina Way Design Standard

The proponent is to upgrade the length of Casuarina Way bisecting the site as follows:

- (1) Re-surface the pavement with Asphaltic Concrete with a 25mm thickness
- (2) Provide a concrete edge strip to seal on both sides of Casuarina Way
- (3) Provide a grass lined table drain consistent with Water Sensitive Urban Design Principals
- (4) Ensure that street lighting is compliant with Australian Standards for a rural road.

Details confirming the upgrade must be submitted to the satisfaction of certifying authority prior to the issue of a construction certificate.

B10 Number of Car Spaces

The maximum number of car spaces to be provided for the development must comply with the table below (based on the development as amended by Conditions A1 and B2). Details confirming the parking numbers including the adequate notation of use must be submitted in the final plans to the satisfaction of the certifying authority prior to the issue of the first construction certificate.

Car parking allocation	Number
Accommodation car parking spaces	207
Number of Beachside Bungalow spaces	9
Number of Unit Pod spaces	48
Number of Unit Pod spaces (dual-key)	48
Number of 2 Bedroom Bungalow spaces	32
Number of 2 Bedroom Bungalow spaces (dual-key)	32
Number of 3 Bedroom Bungalow spaces	38
Main resort facilities building car parking spaces	76
Number of retail car spaces	3
Number of conference centre car spaces	34
Number of bar and restaurant car spaces	36
Number of cultural/interpretive centre car spaces	3
Number of employee car spaces	48
Maintenance area	45
Service vehicle	3
Riparian car parking area	12
<u>Total</u>	<u>343</u>

B11 Number of Loading Bays

A minimum of three (3) loading bays are to be provided for the development. All of these bays must be capable of accommodating 12.5 metre trucks. Details of the loading arrangements must be submitted to the satisfaction of the certifying authority prior to the issue of the first construction certificate.

B12 Road Circulation, Car Park and Service Vehicle Layout

- (1) The layout of the car park must 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 must comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.

- (3) A 6.0m minimum aisle/road width is required for the internal road layout in accordance with *AS2890.1 Off Street Car Parking Facilities*.
- (4) The resort layout must make provision for the “boom” gate system within the circulation road adjacent to the western side of the resort facilities building and maintenance area. The boom gate system must restrict access to Casuarina Way for non-employee traffic.

Details demonstrating compliance with these requirements must be submitted to the satisfaction of the certifying authority prior the issue of the first construction certificate.

B13 Noise Management Plan

A Noise Management Plan is to be prepared addressing the following as a minimum:

- (1) Identification of each work area, site compound and access route (both private and public);
- (2) Identification of the specific activities that will be carried out and associated noise sources at each work area, site compounds and access routes;
- (3) Identification of the primary potentially affected sensitive receivers;
- (4) An assessment of likely noise generation levels for key construction phases of the development;
- (5) Description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction;
- (6) Procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity;
- (7) Measures to receive, record and respond to complaints;
- (8) Measures to monitor and report against noise performance; and
- (9) Mitigation measures and treatments in accordance with relevant Australian Standards including the use of acoustic-absorptive finishes and perimeter treatments to dwellings and loading bay areas.

The Noise Management Plan is to be submitted to the certifying authority for approval prior to issue of any construction certificate for the project.

B14 Outdoor Lighting

Outdoor lighting is required for the following areas:

- (1) public parking areas;
- (2) the pedestrian refuge;
- (3) bus stops;
- (4) the roundabout; and,
- (5) the maintenance access intersection.

All outdoor lighting must comply with, where relevant, AS/NZ1158.3 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the certifying authority prior to the issue of a construction certificate for each stage of the project.

B15 Stormwater and Drainage Works Design

Final design plans of the stormwater flows from Casuarina Way towards Cudgen Creek are to make provision for adequate footpath/pathway crossovers. These plans are to be prepared by a qualified practicing civil engineer to the satisfaction of the certifying authority prior to issue of a construction certificate.

B16 Stormwater Quality

All stormwater runoff is to be adequately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources. Permanent stormwater quality treatment must be provided to the satisfaction of Council and in accordance with the following:

- (1) The stormwater system drainage plan prepared by VDM Consulting drawing number KE3655-SKI version E dated 06/10/2008.
- (2) The construction certificate Application for each stage of the project must include a detailed stormwater management plan for the occupational or use stage of the development prepared in accordance with Section D7.07 of council's *Development Design Specification D7 - Stormwater Quality*.
- (3) Permanent stormwater quality treatment must comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and councils *Development Design Specification D7 - Stormwater Quality*.
- (4) All runoff from car parking, driveway and hardstand areas must be treated to remove oil and sediment pollutants prior to discharge to the public drainage system. Proprietary treatment devices must be sized in accordance with Section D7.12 of council's *Development Design Specification D7 - Stormwater Quality*, with engineering details (including maintenance schedules) to be submitted with the s68 stormwater application. Roof water does not require treatment and should be discharged downstream of treatment devices to minimise sizing requirements.
- (5) Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Tweed Shire Council shall be submitted to the Certifying Authority prior to issue of a Construction Certificate.

B17 Vegetation Management Plan

- (1) Native Vegetation within the resort area is to be managed in perpetuity for the purpose of conservation of native vegetation and threatened species habitat. The vegetation is to be managed in accordance with a Vegetation Management Plan. The vegetation to be conserved and protected as shown on FIGURE 1 IMPACTS ON BANKSIA INTEGRIFOLIA (JWA, Dec 2010) provided with the Preferred Project Report. .
- (2) The Vegetation Management Plan is to be endorsed by the council prior to the construction certificate being issued by the certifying authority.
This Plan is to detail:
 - a) Measures to control feral and domestic animals;
 - b) Measures to control weeds;
 - c) collection and propagation of endemic native seed for revegetation on the site
 - d) Fire management measures and an ecological fire regime;
 - e) Specifications for ongoing protection (fencing) of the vegetation from impacts associated with adjacent tourist accommodation areas;
 - f) Details of long-term monitoring and implementation;
 - g) Mapping and photographs of vegetation condition/weed cover as a baseline
 - h) from which site rehabilitation/management can be measured;
 - i) Educational/Regulatory style signage; and
 - j) Gant chart or similar clearly outlining the activity, costing and timing of
 - k) vegetation management actions.
 - l) Stormwater drainage is not to be directed into the vegetation.
- (3) The Vegetation Management Plan is to be prepared by an appropriately qualified and experienced person with minimum qualifications of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration and 4 years bush regeneration experience.
- (4) A monitoring report is to be submitted to the council annually (1 July) detailing the works undertaken in order to comply with the recommendations of the Vegetation Management Plan.

B18 Relocation of trunk water main

The existing 250 mm diameter trunk water main is to be relocated, at the proponent's expense to the road reserve of Casuarina Way from the boundary of Salt to the Cudgen Creek Bridge. Details showing this relocation shall be submitted to the approval of Council, prior to the issue of the first construction certificate. Accepting that a 250 mm diameter main is sufficient to service the development, any upgrade to a 450 mm pipe shall be at Council's cost.

B19 Aboriginal Cultural Education Program

An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community and provided to the certifying authority prior to the release of construction certificate. A copy is to be submitted to the department and council.

B20 Groundwater

- (1) All groundwater licences must be obtained and associated works appropriately authorised prior to works commencing.
- (2) All works that intersect the aquifer should be licenced by NOW prior to any work being carried out. This includes groundwater excavations within the groundwater aquifer, which includes, but is not necessarily limited to excavations for the constructed wetlands, all monitoring and production bores (if any), wells and spear points. Therefore, all Form A's associated with the construction of bores must be submitted to NOW at the time drilling is undertaken.
- (3) For all areas on the site that require dewatering, a water licence under Part 5 of the *Water Act 1912* should be obtained prior to commencement of work. This water licence application must be accompanied by a groundwater and excavation monitoring program and acid sulphate soils contingency plan, developed to the satisfaction of NOW.
- (4) To aid in the protection of receiving water source quality, all stormwater runoff must be adequately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources.
- (5) A hydrological barrier between the proposed bio-retention systems and the groundwater will be included within the detailed designs for each bio-retention system if the treated surface water quality is shown to be poorer quality than the groundwater within the immediate vicinity of the proposed treatment devices.

This will be determined via undertaking a comparison of the modelled surface water quality, after treatment through each bio-retention system, against measured groundwater quality within the proposed location of each treatment device. Groundwater quality measurements will be taken as part of detail design.

- (6) A suitability qualified engineer must undertake all necessary work relating to water quality testing, stormwater treatment modelling and hydrological barrier design work.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Structural Details

Prior to the commencement of construction at each stage of the project, the proponent must submit to the satisfaction of the certifying authority structural drawings prepared and signed by a suitably qualified practising structural engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia (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).

C2 Retaining Walls

Prior to commencement of works for any stage of the project a certificate of adequacy of design, signed by a practising structural engineer on all proposed retaining walls in excess of 1.2m in height, must be provided to the 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.

C3 Erosion and Sediment Control

Prior to commencement of work on the site for each stage of the project, 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 certifying authority.

C4 Existing Services

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

C5 Seed Collection

- (1) Prior to commencement of works the proponent is to provide details of seed collection and propagation of plant material to the certifying authority. Seed collection and propagation is to be undertaken by a qualified horticultural / bush regeneration firm and carried out in accordance with the Florabank Guidelines and Code of Practice (an initiative of the Australian Government, funded by the Natural Heritage Trust and delivered by Greening Australia and CSIRO).
- (2) Prior to seed collection all necessary permits for collection of native seed of protected, rare or threatened species or from an endangered ecological community are to be obtained.
- (3) Seed and propagule sources are to be from local botanical provenance (regarded as from as close as possible and from the same general habitat (same soil type, distance from watercourse, exposure etc)

PART D—DURING CONSTRUCTION

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by any officer of the department, council or the certifying authority.

D2 Site Notice

A site notice(s) must 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 Pre-Construction Dilapidation Report

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 must 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

D4 Riparian and dune areas

- (1) No vehicles, machinery or other equipment should be stored, driven or parked at any time within fenced off bushland areas identified for retention and protection.
- (2) No structures or signs (other than those approved as part of this determination) are to be erected on public land or road reserves to define an entry statement to the project.

D5 Protection of trees & other vegetation

All trees and other vegetation on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction of any stage of the project.

D6 Setting Out of Structures

The buildings must 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 must submit a plan to the certifying authority certifying that structural works are in accordance with the approved project application.

D7 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 for each stage of the project, 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.

D8 *Disposal of Seepage and Stormwater*

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

D9 *Dust Control Measures*

Adequate measures must 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 must be erected at right angles to the prevailing wind direction or must be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities must 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 must 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 must at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels must be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates must be closed between vehicle movements and must be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways must be carried out regularly.

D10 *Hours of Work*

The hours of construction for all stages of the project, including the delivery of materials to and from the site, must 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;
- (3) no work on Sundays and public holidays.
- (4) Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - c) the work is approved through the Construction Noise and Vibration Management Plan; and
 - d) 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.

D11 *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 $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} 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 must 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.

D12 Vibration Criteria

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

D13 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work in any stage of the project, then all works must cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D14 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

- (1) If during the course of future works of any stage of the project, any evidence of any unexpected Aboriginal archaeological site or relic is found, all work likely to affect that site or relic must cease immediately. Temporary fencing must be erected around the site or relic and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment & Heritage (OEH) must be informed who will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of OEH.
- (2) If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The NSW Police, the Aboriginal community and OEH are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, OEH should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by OEH. In the event that a criminal investigation ensues works are not to resume in the designated area until approval in writing from the NSW Police and OEH.
- (3) All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and OEH.
- (4) The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.

PART E— PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Conditions in Part E to be complied with prior to issue of any future subdivision certificate or occupation certificate

In order to ensure development occurs on the basis for which it was assessed, no Occupation Certificate may be issued for any part of the development, until the proponent has satisfied the conditions outlined in Part E of this approval. The registration of any subdivision plan in the Office of the Registrar-General (or its successor) for the site is not permitted until Part E has been satisfied.

E2 Use of Bungalows/Units for Tourist Purposes

The use of the individual units/bungalows is to be for short stay tourist accommodation purposes only and no villa or other accommodation on the site is to be occupied by a person for more than 42 consecutive days or in aggregate no more than 150 days in any 12 month period.

Note: Any future subdivision plan must impose a restrictive covenant under section 88b of the *Conveyancing Act 1919* to this effect, restricting the use of all accommodation to short stay tourist purposes and prohibiting permanent residential use on the site.

E3 AHIMS Database

The site is to be registered in the AHIMS (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose.

E4 Retaining Walls

All retaining walls are to be certified by a suitably qualified geotechnical/structural engineer. The certification is to be submitted with the final subdivision certificate application for each affected staged of the subdivision and must state that the retaining walls have been designed and constructed in accordance with AS4678-2002 Earth Retaining Structures and are structurally sound.

E5 Dilapidation Report

A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the project 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 certifying authority, prior to issue of the Occupation Certificate for each stage of the project.

E6 Registration of Easements / Restrictions to use / Right of carriageway

- (1) Prior to any future subdivision of the site, 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 inter-allotment 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 service areas, loading areas and car parking areas

- d) A restriction on use of all accommodation on the site to short stay tourist purposes must be recorded on the title of each strata lot. The covenant will restrict the use of a strata lot by an owner or occupier to no more than 42 consecutive days or in aggregate no more than 150 days in any 12 month period. The restriction or covenant cannot be amended or revoked without Council's consent. Any future approval must impose a condition requiring the restrictive covenant prior to the issue of a strata subdivision certificate.
 - e) Public easement to riparian and beach areas.
 - f) A covenant requiring implementation of the Vegetation Management Plan (VMP) required by condition B17.
 - g) If any public access is proposed over any of the lots created by this approval (including the residue lot) then documentary easements for access must be created over that lot in order to provide for such public access.
- (2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council must contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Note: 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.

- (3) 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 burdening units/bungalows:

Flooding

- (i) The minimum habitable floor level is 3.1 metres AHD.
- (ii) Each unit/bungalow constructed must include a Probable Maximum Flood Refuge in accordance with the minimum requirements set out in *Note 4 – PMF Refuge for Residential Development* of section A3.2.6 of *Tweed Development Control Plan Section A3 – Development of Flood Liable Land* (June 2010) or its successive document.
- (iii) Each unit/bungalow constructed must achieve certification from a practising structural engineer that all aspects of the building which are subject to the force of water or debris due to flooding, have been designed to resist the stresses thereby induced. An appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.
- (iv) All building materials used or located below the minimum habitable floor level must be flood compatible.

Bushfire

- (v) The restriction is to be clearly marked on the title and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

E7 Vegetation measures

- (1) The proponent must implement suitable arrangements to provide for the maintenance in perpetuity of the area the subject of the VMP specified in condition B17 to the satisfaction of the certifying authority.

Note: the proponent must provide for such maintenance through caveats on the title under the *Conveyancing Act 1919*

- (2) The proponent (or landowner and successors in title) must undertake vegetation management actions, monitoring and reporting in accordance with all recommendations of the approved VMP required by condition B17 for a period of no less than five (5) years from the date of issuing a strata subdivision certificate.

- (3) Upon completion of the first five (5) years monitoring and reporting, a monitoring report assessing the success of the VMP against its objectives must be submitted to the Council for approval. Council may require the proponent to address certain matters in relation to the environmental performance of the VMP in response to the review of the report and any comments received from relevant Government agencies. Any action required to be undertaken must be completed within such period as the Council may agree.
- (4) The proponent (or landowner and successors in title) must undertake a programme of regular weed control to keep the site largely free of weeds.

Prior to the issue of any subdivision certificate, the proponent must provide to the Certifying Authority evidence that all easements required by this approval, approvals, and other consents have been or will be registered on the certificates of title.

E8 *Carparking Restrictions*

- (1) The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject resort. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof must not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the resort.
- (2) These requirements are to be enforced through the following:
 - a) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
 - b) restriction on use under section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
 - c) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.
- (3) These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the proponent.

E9 *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.

E10 *Fire Safety Certificate*

A Fire Safety Certificate must be furnished to the certifying authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the Certifying Authority.

E11 *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.

E12 *Mechanical Ventilation*

The installation and testing of all the mechanical ventilation systems, the proponent must provide evidence to the satisfaction of the certifying authority, 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.

E13 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the certifying authority prior to the issue of any 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) must 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.

E14 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 to 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.

E15 Public Space Management Plan

Prior to the release for any Occupation Certificate for the project, the Public Space Management Plan is to have been implemented to the satisfaction of Council.

E16 Compliance with bushfire requirements

Prior to the release for any Occupation Certificate for the project, a report is to be prepared by a suitably qualified bushfire consultant to ascertain if compliance with the RFS requirements in Condition B3 has been achieved. No Occupation Certificate can be issued until Condition B3 has been fulfilled to the satisfaction of the certifying authority.

PART F—POST OCCUPATION

F1 Coastal Erosion Management

The proponent (or landowner and successors in title) is responsible for cleaning up and carrying out any repairs to damage to public facilities on the site caused by coastal erosion processes.

F2 Implementation of Vegetation Plans

The proponent (or landowner and successors in title) is responsible for implementing the Dune Management Plan, Riparian Management Plan and Vegetation Management Plans in accordance with the recommendations of those plans in perpetuity.

F3 Annual Fire Safety Certification

The owner of the building must 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.

F4 Loading and Unloading

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

F5 Unobstructed Driveways and Parking Areas

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

F6 Noise Control – Licensed Premises

The LA10 noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence.

Notwithstanding the requirements of this condition, the noise from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

F7 Noise Control – Plant and Machinery

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

F8 Public Way to be Unobstructed

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

F9 Hours of operation

The hours of operation for the tourist resort facilities building must be restricted to between:

Day	Commencement time	Cessation time
Monday	7.30 am	10.00 pm
Tuesday	7.30 am	10.00 pm
Wednesday	7.30 am	10.00 pm
Thursday	7.30 am	10.00 pm
Friday	7.30 am	11.00 pm
Saturday	7.30 am	11.00 pm
Sunday	7.30 am	10.00 pm
Public Holidays	7.30 am	10.00 pm

ADVISORY NOTES

AN1 *Compliance Certificate, Water Supply Authority Act, 2000*

Prior to issuing a construction certificate, a compliance certificate must be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The proponent must obtain the compliance certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the construction certificate,
- (2) the approval authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN2 *Requirements of Public Authorities for Connection to Services*

The proponent must 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 adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services must 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.

AN3 *Compliance with Building Code of Australia*

The proponent is advised to consult with the certifying authority about any modifications needed to comply with the BCA prior to submitting the application for a construction certificate.

AN4 *Structural Capability for Existing Structures*

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 *Use of Mobile Cranes*

The proponent must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters must be complied with to the satisfaction of the certifying authority:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7.30am without the prior approval of council.

AN6 *Stormwater drainage works or effluent systems*

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work (including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works); and,
- (2) management of waste.

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by council under Section 68 of that Act. Applications for these works must be submitted on council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN7 Temporary Structures

State Environmental Planning Policy (Temporary Structures) 2007 may require development consent to be obtained from the council or relevant public authority for the erection of temporary structures. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* identifies certain builders' temporary structures as being exempt development. Such an application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN8 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.

AN9 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.

AN10 Section 68 Contributions

- (1) Notwithstanding the issue of this project approval, separate consent from Council under Section 68 of the *Local Government Act 1993*, must be obtained prior to any works taking place 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;
 - (c) relocation of existing sewer mains; and
 - (d) erosion and sediment control works.

- (2) Pursuant to Section 68 of the *Local Government Act, 1993* an approved Application for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.
- (3) In accordance with Section 68 of the *Local Government Act, 1993*, any premises proposing to discharge into Council's sewerage system a waste water other than domestic sewage, must submit to Council a completed application for a Trade Waste Licence. This application is to be approved by Council prior to the issue of a construction certificate.
- (4) Pursuant to Section 68 of the *Local Government Act, 1993* an approved pre-treatment device (eg. Oil/grease traps, separators, etc) must be installed in accordance with Council's Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 must be submitted to Council for approval.

AN11 Section 138 Approval

Notwithstanding the issue of this project approval, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access) kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths. Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee. Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

SCHEDULE 4
MP 07_0089 Lot 490 Tourist Resort Development
Casuarina Way, South Kingscliff
Statement of Commitments

(Source: preferred project report)

ISSUE / ACTION	Timing for Completion	Responsible Party
SCOPE OF DEVELOPMENT		
<p>Objective To carry out the development generally in accordance with the plans and documentation contained within the Environmental Assessment except where amended by the relevant conditions of consent.</p> <p>Action Ensure that the Architecture, Engineer, Landscape Design plans and drawings are <i>consistent and accurate</i> and provided to the appointed contractors during the construction phase and to Council with an application for a Construction Certificate.</p>	Prior to Construction Certificate and Ongoing	Proponent
ACOUSTIC / NOISE / LIGHT		
<p>Objective To ensure an acceptable acoustic environment within the proposed development as well as for neighbouring properties.</p> <p><i>To contain light spill so as not to cause nuisance to neighbouring properties.</i></p> <p>Action Utilise acoustic treatments to achieve the internal noise limits in AS/NZS 2107:2000 'Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors' where noise levels are predicted to be above the criteria. Also the following Management Principles should be employed:</p> <ul style="list-style-type: none"> o Deliveries to the main building should be limited to between 7am and 10pm to minimise noise impacts. o Deliveries to other areas should be limited to between 7am and 6pm. o Waste collection should be limited to between 7am and 6pm to minimise noise impacts. o <i>Lighting to be designed and installed so as to avoid light spill on to neighbouring properties.</i> 	Prior to Construction Certificate and Ongoing	Proponent
BUSHFIRE HAZARD		
<p>Objective To design and implement the development to ensure that bushfire risk is minimised.</p> <p>Action Adopt the recommendations of the Bushfire Threat Assessment Report as follows:</p> <ul style="list-style-type: none"> o An Emergency and Evacuation Management Plan (EEMP) will be required to be submitted for approval as part of the terms of agreement within the Bush Fire Safety Authority. The EEMP is to comply with the acceptable solutions of 4.2.7 of Planning for Bushfire Protection 2006 (PBP2006). o A hydrant system is to be installed in accordance with AS2419.1. o A 17m wide asset protection zone is to be provided around the two nominated safe refuge buildings for Level 1 construction standards it being noted that this APZ may be decreased with an increase of the Level of construction pursuant to AS 3959-1999 and Table A3.4 of PBP2006. A 20m wide asset protection zone is to be provided within and adjacent to the carpark to the east of the site and within the Casuarina Way road reserve to the north and west. o Electrical supply is to be placed underground. o Should a gas service be installed the following aspects will require consideration: <ul style="list-style-type: none"> - Reticulated or bottled gas installed and maintained in accordance with AS1596 with metal piping used. 	Prior to Construction Certificate, Prior to occupation and Ongoing	Proponent

ISSUE / ACTION	Timing for Completion	Responsible Party
<ul style="list-style-type: none"> - Fixed gas cylinders to be kept clear of flammable material by a distance of 10m and shielded on the hazard side of the installation. - Gas cylinders close to the building are to have the release valves directed away from the building and at least 2m from flammable material with connections to and from the gas cylinder being of metal. - Polymer sheather flexible gas supply lines to gas meters adjacent to the buildings are not used. o All residential cabin buildings and the resort facility safe refuge buildings shall be constructed in accordance with the Level 1 construction standards pursuant to AS 3959-1999 NB. The resort facility safe refuge buildings may have a decrease in APZ's provided the construction standards are increase pursuant to Table 3.4 of PBP2006 o Access for the development is to comply with the following: <ul style="list-style-type: none"> - Internal roads are 6m wide two-wheel drive, 4m wide sealed, all-weather roads with 1m width on each side of the sealed portion to be trafficable and unobstructed. Exception to traffic calming devices at pedestrian crossings where the width is not less than 3.5m. - Roads are through roads. The 6.5m wide perimeter road accessing the carpark is to be returned via the unobstructed APZ to the southern internal road to allow emergency vehicles to egress in a forward direction. It is noted that the emergency vehicular access through the APZ south of the carpark will be grassed and unobstructed for a width of at lease 6.5m. - Traffic management devices are constructed to facilitate access by emergency service vehicles. - A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided. - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress. - The minimum distance between inner and outer curves is 6m. - Maximum grades to not exceed 15 degrees and average grades are not more than 10 degrees. - Roads do not traverse h a wetland or other land potentially subject to periodic inundation (other than flood or storm surge). - Roads are clearly sign-posted and bridges to clearly indicate load ratings. 		
CONTAMINATION		
<p>Objective To minimise disturbance of potentially contaminated soils.</p> <p>Action The Preliminary Contaminated Site Investigation states that the likelihood of a persistent contamination legacy resulting from historical mineral sands mining to represent a SRoH to end users is considered to be highly unlikely. However should any substantial excavations be proposed within the south-western section of the study area, initial radiation investigations, including subsurface measurements are to be undertaken to provide an appropriate safeguard against unearthing and redistributing potentially radioactive materials currently interred and undetected. <i>That is to be undertaken prior to any excavation work in the relevant area.</i></p>	Prior to Construction Certificate.	Proponent
CULTURAL HERITAGE		
<p>Objective To ensure that items of archaeological or cultural heritage value are protected and if any such items are encountered, the appropriate management steps are undertaken.</p> <p>Action Adopt the recommendations arising from the Cultural Heritage Assessment as follows:</p> <ul style="list-style-type: none"> o Aboriginal Human Remains: If human remains are located at any stage during construction works within the Subject Lands, all works must halt in the immediate area to prevent any further impacts to the remains. The Site to be cordoned off and the remains themselves to be left untouched. 	During Construction and Ongoing	Proponent and Resort Operator

ISSUE / ACTION	Timing for Completion	Responsible Party
<p>The nearest police station, the Tweed Byron LALC, and the DECC Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the DECC to be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.</p> <ul style="list-style-type: none"> o Aboriginal Cultural Material: If it is suspected that Aboriginal material has been uncovered as a result of Development activities within the Subject Lands: <ul style="list-style-type: none"> (a) work in the surrounding area is to stop immediately; (b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site; (c) an appropriately qualified archaeological consultant is to be engaged to identify the material; (d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the DECC guidelines: "Interim Community Consultation Requirements for Applicants" (2005); and (e) An appropriate 'keeping place' is to be identified following consultation with the Traditional Owners. o Notifying the DECC: If Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the DECC. Any management outcomes for the site will be included in the information provided to the AHIMS. o Conservation Principles: All effort is to be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the proponent and the Aboriginal Community. o Protection Zone: A protection zone is to be created as described in the Cultural Heritage Assessment. The following management measures are to be adopted: <ul style="list-style-type: none"> (a) During construction the Protection Zone to be fenced off and clearly identified on all working plans of the development to ensure that it is not inadvertently harmed by construction activities. Fencing may be removed when the proponent considers the zone is no longer at risk of damage by nearby construction activities; (b) The Tweed Byron LALC to be notified prior to the proponent undertaking any revegetation works within the Protection Zone. Revegetation works within the Protection Zone should be undertaken in a manner which minimises the potential harm to any subsurface cultural material; (c) The Tweed Byron LALC to be notified prior to any surface or subsurface ground disturbance undertaken within the Protection Zone; (d) Revegetation should include species that were used as traditional Aboriginal medicinal or food sources. The Tweed Byron LALC to be provided the opportunity to have input into selection of these plants <i>consistent with the RMP</i>; (e) Signage and paths that would cause ground disturbance within the Protection Zone would be suitable, provided due care is taken during their construction; and (f) Local Aboriginal people not to be prevented from accessing the Protection Zone. Protocols for access to be negotiated between members of the ARG and the proponent. 		
ECOLOGY		
<p>Objective To rehabilitate and revegetate the dunal and riparian areas of the Lot 490 Plan of Management area.</p>		

ISSUE / ACTION	Timing for Completion	Responsible Party
<p>Action Adopt the ameliorative measures flowing from the Ecological Assessment as follows:</p> <ul style="list-style-type: none"> ○ Amelioration for Vegetation An extensive rehabilitation program has been prepared for the site (JWA 2009a & JWA 2009b). The rehabilitation program aims to remove and control weeds species, and undertake enhancement plantings of locally occurring native species, resulting in a significantly improved environmental outcome for the site. ○ Amelioration for Threatened Flora The threatened species Stinking laurel will be conserved on site. During rehabilitation the single plant of this species will be managed (ie. marked and mulched). Additionally, subject to availability, this species will be used in enhancement plantings. ○ Amelioration for Fauna The following amelioration measures will apply: <ul style="list-style-type: none"> - Appropriate rubbish disposal facilities will be provided (especially for food scraps) to reduce opportunities for non-native predators and disturbance adapted competitors; - Landscape and landfill materials should be sourced from a supplier where Cane toads do not occur; - Coast banksia should be retained where possible; and - 10 km/hr speed limit to be imposed on internal access roads. The site provides a thoroughfare for the public and it is likely that dogs will be walked along pathways in Riparian and Dune Zones. To mitigate against straying dogs, signs will be erected stating that all dogs are to be restrained on a lead at all times. ○ Amelioration for Threatened Fauna Replacement of both forage resources and habitat for Threatened fauna will be completed as part of the rehabilitation of the site. Pedestrian access to the beach will also be fully fenced to prevent residents from disturbing dunal habitat that may be utilised as nesting grounds (JWA 2009b). ○ Amelioration for Wildlife Corridors The extensive rehabilitation planned for the subject site is likely to improve the value of the site as fauna habitat and corridor. Many of the weed species and senescing Coastal tea trees and Horse tail She-oaks will be replaced with locally occurring native species improving the vegetation as a food source, a breeding habitat and as a corridor. ○ Amelioration for Cudgen Creek The pontoon planned for Cudgen Creek will be constructed with a least 2 piles. Minor excavation and modification to the creek bank environment will be required. The area nominated for the pontoon occurs at least 100m from the nearest SEPP 14 wetland (SEPP 14 No.43c) and does not occur in an area mapped as containing seagrass, with the closest area of mapped seagrass (1997) occurring approximately 160 metres to the south. It is also approximately 50 metres from two (2) small patches of Coastal Saltmarsh (an EEC). The walking trail/cycleway planned adjacent to Cudgen Creek has been ground truthed and avoids Mangrove and Saltmarsh environments associated with the creek. Vegetation rehabilitation on the creek side of the path will also reduce the potential for sedimentation of the creek from the construction of the pathway. ○ Riparian Rehabilitation Zone A Riparian Management Plan has been prepared by JWA with the aim of providing guidelines, strategies and methods to rehabilitate the Riparian Area along Cudgen Creek to a condition in accordance with the RMP. The area will be restored to a composition and structure that significantly improves the present condition. ○ Dune Management A Dune Management Plan has been prepared by JWA with the aim of providing guidelines, strategies and methods to rehabilitate the Dune area to a condition resembling the pre-mining period. The area will be restored to a composition and structure that significantly improves the present condition. 	<p>Prior to Construction Certificate, Prior to occupation, and Ongoing</p>	<p>Proponent and the Resort Operator</p>

ISSUE / ACTION	Timing for Completion	Responsible Party
EROSION AND SEDIMENT CONTROL (CONSTRUCTION PHASE)		
<p>Objective To minimise disturbance and mobilisation of sediments by implementing various sediment and erosion control measures prior to and during the construction phases of the development.</p> <p>Action Adopt the recommendations contained in the Soil & Water Management Plan as follows:</p> <p>Pre-Construction Sediment erosion controls to be specifically tailored to meet the requirements for each development stage. Before construction activities begin, the following sediment and erosion control measures will be implemented to minimise disturbance and ensure that the performance criteria for water quality are met:</p> <ul style="list-style-type: none"> o Construction of sediment basins; o Maintain open space areas in a vegetated state to reduce soil disturbance and provide filter strip treatment of runoff; o Install sediment fence along the northern and eastern site boundary; o Install shake down grids and construction exits to remove sediment from vehicles prior to exiting the site; and o Site personnel informed of the erosion and sediment controls. <p>During Construction</p> <ul style="list-style-type: none"> o Sediment fences to be erected at the base of all batters to prevent sediment laden stormwater from flowing onto road surface; o Grass filter strips to be placed along all road verges; o Progressive re-vegetation of filled and disturbed areas; o Sediment fences to be erected around soil stockpiles; o Regular inspections as soon as practicable after storm events to check and maintain controls; o All inspections and maintenance to be recorded for review; o Sediment to be removed from fences and basins when controls are 40% full and at the completion of construction. All material to be re-used or stored onsite in a controlled manner or taken off-site for re-use or disposal at a licensed waste disposal facility; and o Monitoring of water quality to determine the effectiveness of the sediment and erosion control management practices. 	Prior to Construction Certificate and During Construction	Proponent
FLOODING		
<p>Objective To provide requisite flood immunity for the proposed development and to ensure the safety of persons and assets at the site.</p> <p>Action</p> <ul style="list-style-type: none"> o The proposed development is to be located above the defined flood level of 2.60m AHD; o All residential development will have a minimum habitable floor level of 3.10m AHD (incorporating 500mm freeboard); o Residential development located within the defined flood areas will have high level access (walkways) to a permanent high level evacuation road to land above the Probable Maximum Flood (PMF), defined as 5.20m AHD; o A large portion of the site is located above the PMF level and the proposed internal; road network provides emergency access and egress opportunities for vehicular traffic during a PMF event; o The proposed walkways and the existing coastal bikeway provide additional access and egress opportunities for pedestrian traffic during the PMF event; o The minor filling proposed will not significantly reduce floodplain storage and will not impact upon surrounding peak water levels due to the proximity to the Pacific Ocean; o Commercial development does not have a minimum flood planning level; o Commercial development requires adequate flood free storage areas to be provided for stock and equipment susceptible to water damage; and o Building materials used below the defined flood level must not be susceptible to flood damage. 	Prior to Construction Certificate and Ongoing	Proponent and Operator

ISSUE / ACTION	Timing for Completion	Responsible Party
COASTAL HAZARDS Objective To ensure that coastal hazards such as sea level rise due to climate change are accounted for in the design of the development. Action The full 7(f) zone Environmental Protection (Coastal Lands) as depicted in the Tweed Local Environmental Plan 2000 (Tweed Shire Council) will be retained and a 50 metre setback to Cudgen Creek implemented to provide long-term protection from coastal erosion and other hazards.	Prior to Construction Certificate	Proponent
GEOTECHNICAL Objective To ensure that the site is suitable for the proposed development from a geotechnical standpoint. Action Adopt the recommendations of the Preliminary Geotechnical Investigation as follows: <ul style="list-style-type: none"> o Contractors should fully inform themselves of the ground conditions on site prior to commencement of earthworks; o Earthworks procedures are to be carried out in a responsible manner in accordance with AS 3798-1996 "Guidelines on Earthworks for Commercial and Residential Developments"; o The following "objectives" (as a minimum) are to be incorporated into the earthworks specification: <ul style="list-style-type: none"> - Certification that all general earthworks operations (ie. stripping, proof rolling of Subgrade, etc.) have been carried out in accordance with the earthworks specification. - Certification that fill has been placed and compacted to the required minimum density in accordance with the earthworks specification. - Certification that the controlled fill is suitable for support of conventional high level footings and has a minimum bearing capacity of 150kPa and that suitable compaction has been achieved to prevent potential liquefaction in the event of earthquake conditions, as required. - Certification that the quality of any fill complies with the earthworks specification requirements. - Certification that the earthworks have been undertaken in a controlled manner. o All "certification" is to be signed off by an RPEQ; o Inspection and testing of the bulk earthworks will be carried out by a duly qualified and experienced Geotechnical Engineer; and o Should subsurface conditions other than those described in the Preliminary Geotechnical Investigation be encountered, a duly qualified and experienced Geotechnical Engineer is to be consulted immediately and appropriate modifications developed and implemented if necessary 	Prior to Construction Certificate	Proponent
INFRASTRUCTURE PROVISION Objective To provide requisite utility services to the development in accordance with the requirements of relevant supply authorities. Action Water A water supply connection is available at the 450dia. DICL main via a 225 dia supply main in Casuarina Way on the southern boundary of the site. This main has been progressively relocated and upgraded as the road in which it was located (Casuarina Way) was realigned and constructed (Tweed Shire Council consolidated DCP B9.6.3 and Planning Strategies S.6.5 & 6.6). The development will not necessitate an upgrade of the existing mains to achieve Peak Instantaneous Demand (PID). Internal reticulation mains will be provided to all relevant features of the development, in accordance with local authority requirements, connecting to the existing 225 dia. Main on Casuarina Way, located at the southern boundary.	Prior to Construction Certificate and Prior to Occupation	Proponent

ISSUE / ACTION	Timing for Completion	Responsible Party
<p><i>The proposed amenities block to be serviced by the existing 250mm dia. water main adjacent thereto. This provides an independent connection separate to the remainder of the development.</i></p> <p>Sewer Provision for sewer will be facilitated by connecting to Tweed Shire Council's sewerage system. The acceptable point of connection to Council's Sewerage System is the existing 225 dia. sewer gravity main located on the northern boundary of the Salt Village resort development, immediately abutting the southern boundary of the site, (at a location to be agreed upon with Council). <i>Necessary works include installation of the sewer rising main across Cudgen Creek utilising the TSC provided conduit.</i></p> <p>Sewerage reticulation mains will be provided throughout the site servicing all units, bungalows, beachside bungalows and resort facilities. The gravity mains interconnect between the various building clusters and are directed to a pump station located in a low-level area of the site. The pump station delivers to the existing gravity main system within the Salt Village Development, being the nominated discharge point.</p> <p><i>The provision of easements as necessary over existing and proposed new sewer rising mains within the south as identified within the Lot 490 DP 1095234 by survey.</i> The easements will provide service protection and user restrictions, as provided under Section 88B of the Conveyancing Act.</p> <p>Electricity / Telecommunications Infrastructure provision in respect of both electrical supply and telecommunications is available. N.S.W Country Energy has advised by letter of 15 October 2008 that the existing electrical network is capable of supplying electricity to the proposed development. Such supply may involve the establishment of distribution substations within the development site, extending the high voltage (11,000 volts) supply and establishment of a low voltage reticulation within the development.</p> <p>Telstra has advised it will ensure that standard telephone services are reasonably accessible to the proposed development through its telecommunications infrastructure.</p>		
LANDSCAPING		
<p>Objective To provide high quality landscaped open spaces.</p> <p>Action Landscaping to be completed in accordance with the approved landscape design and thereafter actively maintained to ensure long term viability.</p>	Prior to Construction Certificate, Prior to Occupation and Ongoing	Proponent and Operator
STORMWATER MANAGEMENT / WATER QUALITY		
<p>Objective To ensure there is no deterioration in stormwater quality or any reduction in the environmental values of the downstream receiving matters.</p> <p>Action Adopt measures in accordance with the SMP for the site as follows:</p> <ul style="list-style-type: none"> o Infiltration of Q3mth stormwater from all roof areas; o Management strategies designed to minimise water pollution from the development of the subject site; o Specific construction phase controls to minimise erosion and control sediment loss; o Specific operational phase controls to minimise sediment and nutrient export from the subject site; o A monitoring and maintenance program for the construction phase; and o Defined performance criteria and actions to be taken if the criteria are not met. 	<p>Prior to Construction Certificate</p> <p>Prior to Occupation and Ongoing</p>	Proponent and Operator

ISSUE / ACTION	Timing for Completion	Responsible Party
SURF LIFE SAVING		
<p>Objective To educate and advise resort patrons in relation to beach safety.</p> <p>Action <i>Adopt signage and visitor information protocols as agreed with TSC and SALT Surf Life Saving Club.</i></p>	Prior to Occupation and Ongoing	Proponent and Operator
TRAFFIC AND ACCESS		
<p>Objective To provide appropriate access to the resort and associated public facilities for both the construction and operational phases of the development and provide safe and convenient internal traffic circulation.</p> <p>Action Provide access to the development in accordance with the Site Plan – MP01-3 including:</p> <ul style="list-style-type: none"> o Provision of a roundabout at the intersection of the primary access with Casuarina Way; o Provision of a basic priority-controlled access driveway at the Maintenance Area (ie. utility facility and employee car park access) with Casuarina Way; o Provision of basic priority controlled access intersections at the public beach and recreational parking areas; o Provision of connections into the existing pedestrian/cycleway network and the provision of additional pedestrian/cycleway facilities within land between Cudgen Creek and Casuarina Way and connections to the public beach to the east of the site; o Provision of indented bus bays on each side of Casuarina Way adjacent to the Resort; o Provision of a pedestrian refuge island in Casuarina Way central to the aforementioned bus bays; and o The width of vehicular circulation roads internal to the Resort have been designed to cater for the expected users (ie. employee, guests) and traffic demands Casuarina Way roundabout to the north of the site; 	Prior to issue of Construction Certificate and Prior to Occupation	Proponent
CONSTRUCTION MANAGEMENT		
<p>Objective To manage environmental, amenity, cultural and traffic impacts through the construction phase of the project.</p> <p>Action The Construction Management Plan to be implemented during the construction phase of the project. The Plan identifies the issues, objectives, management procedures, performance indicators, responsibilities, critical dates, monitoring, reporting and corrective action for the following issues:</p> <ul style="list-style-type: none"> o Noise; o Dust; o Vibration; o Utility Services; o Vegetation; o Stormwater; o On Site Storage / Spills; o Waste Management; o Cultural Heritage Management; and o Traffic, Parking and Pedestrian Management. 	Prior to Construction Certificate and during Construction	Proponent

ISSUE / ACTION	Timing for Completion	Responsible Party
SURF LIFE SAVING		
<p>Objective</p> <p>To contribute towards the annual operating expenses of the Salt Surf Life Saving Club with the value of the contribution to be based on the anticipated population of the Kingscliff Resort as a proportion of the total population of the catchment of the Salt Surf Life Saving Club.</p> <p>Action</p> <p>The Proponent and the Salt Surf Life Saving Club are to enter into an agreement regarding an annual contribution for a period of 10 years commencing year 1 of the operation of the Resort.</p>	Prior to Resort Operation	Proponent
BIO RETENTION SYSTEM		
<p>Objective</p> <p>A hydraulic barrier between the proposed bioretention systems and the groundwater will be included within the detailed designs for each bioretention system if the treated surface water quality is shown to be of poorer quality than the groundwater within the immediate vicinity of the proposed treatment devices.</p> <p>This will be determined via undertaking a comparison of the modelled surface water quality, after treatment through each bioretention system, against measured groundwater quality within the proposed location of each treatment device. Ground water quality measurements will be taken as part of detail design.</p>	Prior to Construction Completion	Proponent
<p>Action</p> <p>If a hydraulic barrier is required, design will be undertaken in accordance with the following documentation:</p> <ul style="list-style-type: none"> Guidelines for Wastewater and Evaporation Lagoon Construction, prepared by Environmental Protection Authority South Australia EPA 509/04—March 2004 and is updated; EPA 509/10, a 2010 issue. <p>The proponent will engage a suitably qualified engineer to undertake the necessary water quality testing, undertake the appropriate stormwater treatment modelling and verify the design requirements for any necessary hydraulic barrier.</p>		