
Project Approval

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

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approves the project application referred to in Schedule 1, subject to the conditions referred to in Schedule 2 and the Proponent's Statement of Commitment's in Schedule 3.

These conditions are required to:

- prevent, minimise and/or offset adverse environmental impacts including economic and social impact;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Member of the Commission

Member of the Commission

Sydney

December 2013

SCHEDULE 1

Application No:	09_0166
Proponent:	Metricon Queensland Pty Ltd (ABN 66 607 866 132)
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490, Lots 40 & 43 DP 254416 Fraser Drive, Terranora
Local Government Authority:	Tweed Shire Council
Project:	Community Title Residential Subdivision comprising:- - 250 residential and 4 medium density lots; - 4 public reserve lots, 1 water reservoir site, 1 drainage reserve lot, 1 community lot - Landforming and earthworks; - Community recreation facility on Lot 713; - Associated roads, stormwater and utility infrastructure.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09_0166

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DEFINITIONS

Advisory Notes	means advisory information relating to the approval but do not form a part of this approval.
BCA	means Building Code of Australia
Construction Council	means any works, including earth and building works
Certifying Authority	means Tweed Shire Council
	means a person who is authorised by or under section 109D of the Act to issue a Construction Certificate under Part 4A of the Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day	means the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	means Department of Planning and Infrastructure or its successors
Developer	means anyone acting on behalf of the Proponent.
Director-General	means Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director General's approval, agreement or satisfaction	means A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	means Endangered ecological community
Environmental Assessment	means the Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd and dated December 2010, including all Appendices
Evening	means The period from 6pm to 10pm
EPA	means Environment Protection Authority, or its successor
EP&A Act	means <i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	means <i>Environmental Planning and Assessment Regulation 2000</i>
Incident	means a set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	means the Minister for Planning and Infrastructure, or nominee
Night	means the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	means NSW Office of Water, or its successor
OEH	means Office of the Environment and Heritage, or its successor
PCA	means Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
PPR	means Preferred Project Report prepared by Darryl Anderson Consulting Pty Ltd and dated April 2013, including all Appendices
PPR Addendum	means Preferred Project Report Addendum prepared by Darryl Anderson Consulting Pty Ltd and dated October 2013, including all Appendices
Project	means the project as described in Condition A1
Proponent	means Metricon Queensland Pty Ltd or anyone else entitled to act on this approval
Reasonable and Feasible	means reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RFS	means Rural Fire Service or its successor
RMS	means Roads and Maritime Services Division, Department of Transport or its successor

SOCs

means the Statement of Commitment's prepared by Darryl Anderson Consulting Pty Ltd dated October 2013.

Subject Site

means Land identified in Schedule 1.

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- 1) Subdivision of Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490, Lots 40 & 43 DP 254416 Fraser Drive Terranora;
- 2) Creation of 250 residential housing lots;
- 3) Creation of 4 medium density lots comprising Lot 701, Lot 711, Lot 925 and Lot 926;
- 4) Creation of 4 open space lots for public recreation reserve comprising Lot 451, Lot 712, Lot 819 and Lot 1001;
- 5) Creation of 1 drainage reserve lot, comprising Lot 610;
- 6) Creation of a reservoir site at Lot 501 and dedication to the Council;
- 7) Creation of a Community Association Lot (Lot 713) and Construction of a Community Facility on that lot;
- 8) Construction of roads, footpaths, access driveways, earthworks and drainage infrastructure; and
- 9) Dedication of land for roads, public parks and public infrastructure to Council.

A2 *Staging*

The project is to be constructed in ten (10) stages, generally in accordance with the 'Plan Showing Existing topography and Proposed Subdivision Layout' dated 18 July 2013, prepared by B & P Surveys Revision D (Drawing No 18779B), incorporating the lots as follows:

- (1) Stage 1 comprises Community title lots 101 -143 inclusive, incorporating roads and required infrastructure;
- (2) Stage 2 comprises Community title lots 201 - 228 inclusive, incorporating roads and required infrastructure;
- (3) Stage 3 comprises Community Title lots 301 – 324 inclusive, incorporating roads and required infrastructure;
- (4) Stage 4 comprises Community Title lots 401 – 450 inclusive, public reserve on Lot 451 and incorporating roads and required infrastructure;
- (5) Stage 5 comprises Community Title lots 502 – 524 inclusive, water reservoir site on Lot 501 and incorporating roads and required infrastructure;
- (6) Stage 6 comprises Community Title lots 601 – 609 inclusive, drainage reserve on Lot 610 and incorporating roads and required infrastructure;
- (7) Stage 7 comprises Community Title lots 702 – 710 inclusive, medium density community title lots 701 and 711, public reserve on Lot 712, construction of the community facility on Lot 713 and incorporating roads and required infrastructure;
- (8) Stage 8 comprises Community Title lots 801 – 818 and lots 820 - 841 inclusive, public reserve on Lot 819 and incorporating roads and required infrastructure;
- (9) Stage 9 comprises Community Title lots 901 – 924 inclusive, medium density community title lots 925 and lot 926 and incorporating roads and required infrastructure; and
- (10) Stage 10 comprises the public reserve on Lot 1001, and incorporating roads and required infrastructure.

Subject to any conditions of approval, staging of allotment and/or road construction may vary in sequence and timing. Essential infrastructure associated with and including, but not limited to, roads, roundabouts, bus routes, footpaths, parks, services, landscaping and environmental management, shall be constructed as specified in the staging listed above or as otherwise provided in these conditions and the proponent's Statement of Commitments.

Any revised staging plan that varies the stage boundaries or components listed in (1) – (10) inclusive, shall be submitted for the approval of the Director-General, prior to the issuing of a Construction Certificate for subdivision works.

A3 Project in Accordance with Plans

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

- a) Environmental Assessment prepared by Darryl Anderson Consulting Pty Ltd dated December 2010;
- b) Preferred Project Report prepared by Darryl Anderson Consulting Pty Ltd dated April 2013; and
- c) Addendum to the PPR prepared by Darryl Anderson Consulting Pty Ltd dated October 2013;

and the following drawings, except where varied by the conditions of this approval:

Subdivision Layout Plans prepared by B & P Surveys, Reference No T15263			
Drawing No.	Revision	Name of Plan	Date
18779B	D	Plan Showing Existing Property Descriptions and Tweed LEP 2000 Zonings (Sheet 1)	18 July 2013
18779B	D	Plan Showing Existing Topography and Proposed Subdivision Layout (Sheet 2)	18 July 2013
18779B	D	Plan Showing Proposed Subdivision Layout and Design Contours (Stages 1, 4 & 5) (Sheet 3)	18 July 2013
18779B	D	Plan Showing Proposed Subdivision Layout and Design Contours (Stages 1, 4 & 6) (Sheet 4)	18 July 2013
18779B	D	Plan Showing Proposed Subdivision Layout and Design Contours (Stages 2, 3, 6 & 10) (Sheet 5)	18 July 2013
18779B	D	Plan Showing Proposed Subdivision Layout and Design Contours (Stages 6, 7 & 8) (Sheet 6)	18 July 2013
18779B	D	Plan Showing Proposed Subdivision Layout and Design Contours (Stages 6, 7, 8, 9 & 10) (Sheet 7)	18 July 2013
18779B	D	Plan Showing Proposed Subdivision Layout and Design Contours (Stages 7, 9 & 10) (sheet 8)	18 July 2013
18279B	I	Locality/Context Plan	10 July 2013
Density and Structural Systems Plans prepared by Local Office Architecture, Project No 130300			
Drawing No.	Revision	Name of Plan	Date
SK.0001	C	Density Projection Plan	March 2013

SK.0002	D	Structural Systems Plan	March 2013
SK.0003	A	Display Village Plan	July 2013
SK.0004	B	Medium Density – Lot 926	March 2013
SK.0005	B	Medium Density – Lot 925	March 2013
SK.0006	A	Medium Density – Lot 711	March 2013
SK.0007	A	Medium Density – Lot 701	March 2013
SK.0008	B	Solar Orientation Plan	March 2013
Altitude Aspire Community Facility, prepared by BDA Architecture, ref No 319800			
Drawing No.	Revision	Name of Plan	Date
Sheet 1	-	Introduction	March 2012
Sheet 2	-	Local context plan	March 2012
Sheet 3	-	Site Analysis	March 2012
Sheet 4, 4.01 & 4.02	-	Site Plan, Floor Plan, Roof Plan	March 2012
Sheet 5 & 5.01	-	Key Dimensions 1 and 2	March 2012
Sheet 6	-	Building Colours and Materials	March 2012
Sheet 7	-	Perspective Views	March 2012
Sheet 8.00 & 8.01	-	Elevations 1 and 2	March 2012
Sheet 9 & 9.01	-	Site Section A and B	March 2012
Engineering Drawings prepared by Bradlees Civil Consulting, Project No 09-374			
Drawing No.	Revision	Name of Plan	Date
SK3628	E	Road Hierarchy Plan	3 July 2013
SK3586 - SK3616 (inclusive)	B	Road Plans – road longitudinal, long and cross sections	7 January 2013
SK3963, SK3965, SK3966, SK3967	A	Road Plans – road longitudinal, long and cross sections	7 January 2013
SK3562	E	Ultimate Earthworks Phasing Plan	4 July 2013
SK2604	E	Cut/Fill Plan (Sheet 1)	16 May 2013
SK2605	F	Cut/Fill Plan (Sheet 2)	16 May 2013
SK3507	D	Earthworks Layout (Sheet 1)	15 May 2013
SK3508	D	Earthworks Layout (Sheet 2)	15 May 2013
SK3527	D	Earthworks Layout (Sheet 3)	9 April 2013
SK3528	D	Earthworks Layout (Sheet 4)	9 April 2013
SK3529	C	Earthworks Layout (Sheet 5)	27 Feb 2013
SK3635	D	Earthworks Sections Layout	16 May 2013
SK3636	B	Earthworks Cross Sections (Sheet 1)	7 January 2013
SK3637	B	Earthworks Cross Sections (Sheet 2)	7 January 2013
SK3638	C	Earthworks Cross Sections (Sheet 3)	21 May 2013
SK3639	C	Earthworks Cross Sections (Sheet 4)	16 May 2013
SK3640	C	Earthworks Cross Sections (Sheet 5)	9 April 2013
SK3641	C	Earthworks Cross Sections (Sheet 6)	9 April 2013

SK3642	C	Earthworks Cross Sections (Sheet 7)	9 April 2013
SK3643	C	Earthworks Cross Sections (Sheet 8)	9 April 2013
SK4032	A	Existing Boundary Tie In	15 March 2013
SK3626	C	Water Quality Treatment Areas	25 Feb 2013
SK3618	D	Central Open Drain Swale Plan	9 April 2013
SK4038	B	Central Open Drain Swale Bund	17 April 2013
SK3619	B	Central Open Drain Swale Long Section	25 Feb 2013
SK3620	C	Central Open Drain Swale Cross Sections (Sheet 1)	25 Feb 2013
SK3621	C	Central Open Drain Swale Cross Sections (Sheet 2)	25 Feb 2013
SK3622	C	Central Open Drain Swale Cross Sections (Sheet 3)	25 Feb 2013
SK3623	C	Central Open Drain Swale Cross Sections (Sheet 4)	25 Feb 2013
SK3624	C	Central Open Drain Swale Cross Sections (Sheet 5)	25 Feb 2013
SK3625	C	Central Open Drain Swale Cross Sections (Sheet 6)	25 Feb 2013
SK3631	C	Stormwater Layout (Sheet 1)	16 May 2013
SK3632	D	Stormwater Layout (Sheet 2)	16 May 2013
SK3487	C	Bebo Culvert Sections	9 April 2013
SK3633	B	Water Layout (Sheet 1)	7 January 2013
SK3634	C	Water Layout (Sheet 2)	9 April 2013
SK3629	C	Sewer Layout (Sheet 1)	16 May 2013
SK3630	D	Sewer Layout (Sheet 2)	16 May 2013
SK3647	C	Stages 1,2 and 3 Services (Sheet 1)	16 May 2013
SK3648	D	Stages 1,2 and 3 Services (Sheet 2)	16 May 2013
Traffic and Roads Drawings prepared by Bitzios Consulting (Revised Altitude Aspire Transport Assessment), Project No 09-374			
Drawing No.	Revision	Name of Plan	Date
Figure 6.3	-	Bus Stop locations Plan	8 April 2013
Landscape Drawings prepared by Form Landscape Architects, Project No 100906, DA07 dated 12 August 2013			
Drawing No.	Revision	Name of Plan	Date
Figure 1	-	Landscape Masterplan	12 August 2013
Figure 2	-	Landscape Structure	12 August 2013
Figure 3		Circulation Network	12 August 2013
-	-	Fence Types	12 August 2013
-	-	Entry Precinct	12 August 2013
-	-	Landscape Sections 1 – 15 inclusive	12 August 2013
-	-	Neighbourhood Playground Park	12 August 2013
-	-	Drainage Corridor and Wetlands	12 August 2013

-	-	Pocket Park 1	12 August 2013
-	-	Pocket Park 2	12 August 2013
-	-	Planting Palette	12 August 2013
Hydrological and Hydraulic Plans prepared by Gilbert & Sutherland dated 19 April 2013, Project No 10849			
Drawing No.	Revision	Name of Plan	Date
203	-	Proposed Development	19 April 2013
204	-	Existing Sub-catchments and WBNM model layout	19 April 2013
205	-	Developed sub0catchemnts and WBNM model layout	19 April 2013
206	-	Base Case Sobek model layout	22 April 2013
207	-	Developed Case Sobek model layout	23 April 2013
208	-	100 year ARI Developed Case Flood inundation	22 April 2013
Stormwater Plans prepared by Gilbert & Sutherland dated 17 April 2013, Project No 10849			
Drawing No.	Revision	Name of Plan	Date
103	-	Proposed Development	17 April 2013
104	-	Developed Case Catchment Plan and Drainage Detail	17 April 2013
105	-	Stormwater Quality Treatment Measures	17 April 2013
106	-	Bioretention Basin Typical Detail	22 April 2013

A4 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents except where varied by the conditions of this approval:

- (1) *Environmental Assessment Report* dated September 2010, as revised December 2010 prepared by Darryl Anderson Consulting Pty Ltd;
- (2) *Preferred Project Report/Response to Submissions* prepared by Darryl Anderson Consulting Pty Ltd dated April 2013 and PPR Addendum dated August 2013 and October 2013;
- (3) *Cultural Heritage Assessment* prepared by Everick Heritage Consultant Pty Ltd dated March 2012;
- (4) *Acoustic Report* prepared by Sound matters ttm, Reference No 11GCA0048 R01 7 dated 8 April 2013;
- (5) *Stormwater Assessment and Management Plan* prepared by Gilbert & Sutherland dated April 2013;
- (6) *Revised Ecological Assessment* prepared by JWA Pty Ltd Ecological Consultants dated April 2013, Job No N09031/EA/2013/Rw7 and Addendum to the Ecological Assessment prepared by JWA Pty Ltd dated August 2013;
- (7) *Revised Vegetation Management and Rehabilitation Plan* prepared by JWA Pty Ltd Ecological Consultants dated April 2013, Job No N09031/VMRP/2013/MJ1;
- (8) *Preferred Project Report (Revised)* for MP 09_0166 for Altitude Aspire Terranora (Engineering) prepared by Bradlees Civil Consulting dated March 2013 (Job No

09-374 Altitude Aspire and *Response to DOP Outstanding Issues* in Addendum to PPR.

- (9) *Amended Biting Insect Management Plan* prepared by HMC Environmental Consulting Pty Ltd dated April 2012, Report No 2012.045;
- (10) *Bushfire Assessment Report* prepared by Bushfire Safe (Australia) Pty Ltd dated March 2012;
- (11) *Altitude Aspire Revised Transport Assessment* prepared by Bitzios Consulting dated 8 April 2013, Version 002 Project No P1197;
- (12) *Acid Sulphate Soil Assessment and Management Plan* prepared by Gilbert & Sutherland dated April 2012, Ref No 10849_ASS&MP;
- (13) *Hydrological and Hydraulic Assessment* prepared by Gilbert & Sutherland dated April 2013 (Revision 2), Ref No 10849 HHA;
- (14) *Soil Contamination Assessment* for 'Area E' Properties Terranora dated October 2003, prepared by Gilbert & Sutherland Pty Ltd;
- (15) *Sampling, Analysis and Quality Plan* prepared by Gilbert & Sutherland dated October 2013 (Revision 3), Ref No 10849_SAQP_RZ1F.docx;
- (16) *Remediation Action Plan*, prepared by Gilbert & Sutherland dated October 2013 (Revision 3), Ref No 10849_RAP_RZ1F.docx;
- (17) *Section B Site Audit Statement* prepared by Marc Salmon dated 15 October 2013, Ref 14003 (Site Audit Statement – 0103 – 1301);
- (18) *Interim Site Audit Advice* prepared by Marc Salmon dated 9 August 2013;
- (19) *Soil Preservation Management Plan* prepared by Gilbert & Sutherland Pty Ltd dated April 2013 (Ref 10849_SPMP_RMF);
- (20) *Broad Geotechnical Engineering Assessment* prepared by Morrison Geotechnic Pty Ltd dated November 2010;
- (21) *Draft Community Management Statement* dated July 2013.

A5 *Inconsistency between documents*

- 1) In the event of any inconsistency between the documentation referred to in conditions A3 and A4, the most recent document prevails to the extent of the inconsistency.
- 2) In the event of any inconsistency between conditions of this approval, the proponent's Statement of Commitments and the drawings/documents referred to in conditions A3 and A4, the conditions of this approval shall prevail to the extent of the inconsistency.

A6 *Lapsing of approval*

In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date of this approval unless building, engineering or construction work relating to the works authorised by this approval is physically commenced on the land to which this approval applies before this date.

A7 *Vegetation Removal*

Vegetation removal and associated works within the identified Freshwater Wetland Endangered Ecological Community are restricted to an area of 0.11ha being that area identified as Detention Bund at Figure 10 of the *Revised Ecological Assessment* (JWA April 2013).

A8 *Building Code of Australia*

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

A9 *Limits of Approval*

This approval does not approve the construction of any dwellings, medium density developments. Separate approvals must be obtained, if required by the EP&A Act.

This approval also does not approve the construction of the proposed retaining walls proposed to create terraced lots in the eastern portion of the site bounded by Proposed Road No 8 to the north, Road 5 to the east, Road 1 and a small section of Road 2 in the south and Road 8 to the west, including any inter-allotment retaining walls to create terraced lots, as outlined on the 'Retaining Wall Layout Plan' Revision E prepared by Bradlees Civil Consulting dated 16 May 2013.

A10 *Prescribed Conditions*

The Proponent shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

A11 *Use of Machinery*

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

A12 *Compliance with Council Policy*

Subject to Conditions A3 and A4 and other conditions of this approval, the subdivision is to be carried out in accordance with Tweed Shire Council's Development Control Plan Section A5 - Subdivision Manual and Council's Development Design Specifications and Development Construction Specifications, current at the date of approval.

A13 *Public Utilities*

Approval is given subject to the location of, protection of, and/or any necessary approved modifications to any existing public utilities situated within or adjacent to the subject property.

A14 *Community facility (Lot 713)*

The use of the community facility will be subject to the following:-

- a) Hours of operation of the facility are (including use of the swimming pool and tennis court): Monday to Sunday 6am to 10pm
- b) The swimming pool must be fenced in accordance with the requirements of the *Swimming Pools Act 1992 (NSW)* and operated in accordance with relevant legislation;
- c) Light spillage from the tennis court is to be minimised and operated in accordance with the AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
- d) The community facility lot is to be managed as an Inner Protection Area as outlined in Appendix 2 and 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.
- e) The community facility is to be constructed in accordance with the requirements of the Building Code of Australia.
- f) All deliveries and collection of rubbish shall be undertaken within the approved hours of operation.
- g) All vehicles shall enter and leave the site in a forward direction.
- h) All car parking spaces shall be available for car parking at all times and shall not be used for the purpose of storage of goods or materials at any time.
- i) Any advertising or signage (not including the entrance signage to the subdivision) shall be subject to a separate development application.

A15 Director-General as Moderator

Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

A16 Statutory Requirements

The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project (but this does not include those that do not apply because of section 75U(1) of the EP&A Act). No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the Project

A17 Certification

- 1) Construction certificate: Prior to the commencement of bulk earthworks and subdivision works, the Proponent must obtain the appropriate Construction certificates for the proposed works from either council or an accredited certifier.
- 2) Subdivision certificate: Prior to registration of the plan of subdivision of the project, under Division 3 of Part 23 of the *Conveyancing Act 1919*, a Subdivision Certificate pursuant to Section 109C(1)(d) of the Act must be obtained in accordance with Section 109D(d) of the Act.
- 3) Notwithstanding any other condition of this approval, separate Construction certificates for bulk earthworks and civil works (including any approved staging) may be issued.

PART B — PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR SUBDIVISION WORKS

GENERAL

B1 Construction Certificates

Notwithstanding any other condition of this consent separate construction certificates for bulk earthworks and civil works may be issued and the carrying out of bulk earthworks may be commenced prior to the issue of a Construction Certificate for civil works where it can be demonstrated all works are compatible.

B2 Voluntary Planning Agreement

The Proponent shall enter into a Voluntary Planning Agreement (VPA) with Council, in accordance with Division 6 of Part 4 of the EP&A Act, and the terms of the offer made to the Council on 4 December 2013 by the Proponent and the draft VPA at **Appendix A** to this approval, prior to the issue of the first construction certificate. All monetary contributions required under the Voluntary Planning Agreement shall be paid to Council to correspond with the Stage(s) being released, prior to the issue of each Subdivision Certificate for the development, or as otherwise specified in the VPA.

NOTE: The contributions applicable under the Voluntary Planning Agreement are in addition to those Section 64 and Section 94 contributions statutorily applicable as listed separately in this approval.

B3 *Construction Certificate for Civil Works*

The proponent shall submit plans and specifications with any application for construction certificate for civil works, including but not limited to bulk earthworks, roadworks, any associated subsurface overland flow and piped stormwater drainage structures and associated systems, reticulated water supply and sewer infrastructure and associated works, electrical and telecommunication services etc, to facilitate the orderly construction of the subdivision as approved by this approval.

All works shall be designed in accordance with Councils *Development Design and Construction specifications* and cover all stages of the proposed development.

B4 *Pre-Construction Dilapidation Reports*

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads but only to the extent that the engineer is able to reasonably gain access. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for each stage. A copy of the report is to be forwarded to Council.

B5 *Long Service Levy*

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

B6 *Bond*

Prior to the issue of any Construction Certificate by the PCA, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works as set out in Council's fees and charges at the time of payment.

The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate. The bond will be refunded, if not expended, when the relevant Subdivision Certificate is issued.

Subdivision Design Modifications

B7 *Water Supply*

Prior to issue of a construction certificate the applicant is amend their application in regard to water supply in accordance with the following provisions:

Development Design Specification D11 specifies that a developer is to provide a water supply system, sourced from Council's preferred connection point that will deliver design peak hourly demand at a minimum 20m head to each allotment.

The following design conditions are required to be met by the developer, as part of the Stage 1 works - unless noted otherwise:

- a) Provide adequate reservoir storage and mains of adequate size to deliver the flow at peak hour rate.
- b) Provide a 0.8ML reservoir in the highest location (90m AHD) on this site to provide peak hour demand to the total area. The size and shape of the Lot 501 for the reservoir is indicative only and the actual size and shape shall be determined prior to

construction certificate on the basis of the actual design taking into consideration the following:

- Full access around the reservoir for maintenance vehicle and crane access (i.e.: >3m wide access road around reservoir)
 - Location of booster pumping station and access for maintenance vehicles to booster pumping station.
 - Inclusion of in/ out pipeline to reservoir > 4m wide. (i.e.: pipeline not to be located within Lots 503 and 504 as full access to pipeline must be provided)
- c) Provide a booster pump for high level zones above 55m AHD including a gravity bypass for fire flows - as required for individual Stages of the development.
- d) Maximum pressure in the reticulation mains should not exceed 78m head.
- e) Provide PRV's for low areas less than 20m AHD - as required for individual Stages of the development.
- f) All reticulation areas to be serviced by PRV installations are to be designed to minimise the number of PRV installations across the area.
- g) All lots must receive gravity flow from the Reservoir to ensure a fire fighting appliance can extract water from the adjacent main.

B8 Sewer System

Prior to issue of a construction certificate the applicant is amend their application in regard to sewer supply in accordance with the following provisions:

- a) The developer will provide a Regional SPS 3027 as per Councils' requirements to accept flows from the remaining portions of Area E, SPS 3033 Henry Lawson Drive (Terranora Village) and future flows from the existing un-sewered areas of Parkes Lane and Market Parade, as part of the Stage 1 works.
- b) Council agrees to pay the marginal cost of increasing the capacity of the proposed Regional SPS 3027 within the Altitude Aspire development to accept flows from the remaining portions of Area E, SPS 3033 Henry Lawson Drive and future flows from the existing un-sewered areas of Parkes Lane and Market Parade. A lot of suitable size, shape and location for the regional sewer pump station shall be dedicated to Council
- c) Council will arrange to construct a 375mm SRM (stage 1) from SPS 3018 Fraser Drive to Banora Point WWTP funded from s64 Contributions.
- d) Council agrees to pay the marginal cost of increasing any gravity sewers within Altitude aspire to serve the existing un-sewered areas of Parkes Lane and Market Parade.
- e) Council agrees to pay the full cost of any additional extension of gravity sewer within Altitude Aspire which is required to connect the existing un-sewered areas of Parkes Lane and Market Parade - at the time of construction of the relevant Stages adjoining those areas.
- f) Council agrees to pay for changes required at SPS 3033 Henry Lawson Drive to allow it to pump to the proposed regional SPS 3027 within the Altitude Aspire development.
- g) The developer will pay for any alterations to the existing SRM 3033 to allow appropriate connections to and from the proposed regional SPS 3027 within the Altitude Aspire development.

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- h) The developer will pay for pumps at proposed regional SPS 3027 within the Altitude Aspire development to cater for its own load, plus the load from SPS 3033 Henry Lawson Drive estimated to be approximately 70L/s.
 - i) The developer will pay for the pumping, electrical and telemetry control system upgrades and provide backup power generation at the downstream SPS 3018 Fraser Drive to accept the additional flows from the proposed regional SPS 3027 within the Altitude Aspire development. The estimated upgraded flow of this station is approximately 140 L/s.

B9 *Revised Structural Systems and Bulk Earthworks Plans*

A revised Structural Systems Plan is required prior to the issue of the first Construction Certificate, outlining the structural systems for the proposed housing for the entire subject site, without the retaining walls and terraced lots in the eastern portion of the site bounded by Proposed Road No 8 to the north, Road 5 to the east, Road 1 and a small section of Road 2 in the south and Road 8 to the west as outlined in Condition A9 of this approval.

Detailed design plans for the relevant Construction Certificates are to illustrate no retaining walls to create terraced lots on these specified lots within the subject site. The bulk earthworks plan must also be revised to remove the proposed filling to the extent that filling of these specified lots creates terraced lots to reflect the removal of these retaining walls on the lots specified in this condition.

Remediation and Earthworks

B10 *Land contamination*

The 'Sampling, Analysis and Quality Plan' ('SAQP') prepared by Gilbert & Sutherland dated October 2013 shall be implemented prior to the issue of a Construction Certificate for bulk earthworks. If the SAQP concludes that further remediation work is required, the Remediation Action Plan prepared by Gilbert & Sutherland dated October 2013 is to be revised accordingly to ensure that the site is suitable for the proposed residential use. Certification from the Accredited Site Auditor must be provided certifying that the SAQP has been prepared in accordance with the relevant requirements. Amendments to the approved RAP required as a result of further site investigations must be approved by the Site Auditor.

B11 *Remediation of the Site*

The site shall be remediated and validated in accordance with the 'Remediation Action Plan' ('RAP') prepared by Gilbert & Sutherland dated October 2013 for each relevant stage of the Subdivision. Any variations to the RAP shall be approved in writing by the Accredited Site Auditor prior to the commencement of such work. A copy is to be provided to the Department and Council. Details are to be provided prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision.

B12 *Geotechnical Compliance*

Prior to the issue of the Construction Certificate for each stage, detailed earthworks design plans must be endorsed by a practicing geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the geotechnical reports, submitted with the EA and PPR, including *Broad Geotechnical Engineering Assessment* prepared by Morrison Geotechnic Pty Ltd dated November 2010.

B13 *Structural Engineer*

Details from a Structural Engineer are to be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for each stage of the subdivision for all retaining walls, footings, structures or the like. The design should take into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design.

Note: Ground anchors (to retain excavated material) within Council or neighbouring private property is not permitted without an easement or prior consent from the property owner being obtained. If the land owner is Council, approval is required from the General Manager (or delegate), and the anchors are required to be removed upon completion of the works, unless a compensation amount is negotiated with Council.

B14 *Phasing of Bulk Earthworks*

The phasing of bulk earthworks as depicted on the 'Ultimate Earthworks Phasing Plan' (Bradlees Consulting Drawing Number SK 3562 Revision E) shall be amended to include in Phase 1, as a minimum, the works in Stage 5 necessary to form the road extension of Market Parade (Road 2), in order for these road works to be undertaken as part of Stage 4 civil works. This must be reflected on the Construction Certificate for the relevant stage(s) of the subdivision.

B15 *Cut and Fill levels*

- 1) Cut and fill levels for each stage of the subdivision are to be generally in accordance with approved engineering plans, except as provided by these conditions. Design plans are to be approved by the PCA prior to issue of the Construction Certificate for each stage of the project.
- 2) The source of any fill material is to be identified and reported by a practicing geotechnical engineer certifying that the material is suitable for the intended purpose prior to the issue of the Construction Certificate for each stage of the subdivision. The report is to include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material.

B16 *Site Regrading*

Subject to other conditions of this approval, site regrading undertaken for all stages of the subdivision must be undertaken in accordance with *Tweed Shire Council's Development Design Specification D6 – Site Regrading*. Evidence of compliance with this specification must be provided to the PCA for approval prior to issue of the Construction Certificate for each stage of the project.

B17 *Retaining Walls*

Subject to other conditions of this approval, all retaining walls and batters shall be designed in accordance with Tweed Shire Council's *Development Design Specification D6 - Site Regrading*. Permissible retaining wall and batter heights are specified in Table D6.1. Boundary retaining walls and batters shall be constructed with a minimum boundary setback of 0.9m in accordance with clause D6.05.6(c) of *Development Design Specification D6 - Site Regrading*.

B18 *Structural Systems Plan*

Detailed earthworks plans required prior to the issue of a Construction Certificate for each stage of the subdivision must demonstrate general compliance with the Structural Systems Plan prepared by Local Office Architecture, Drawing Number SK.0002 dated March 2013, except as modified by these conditions.

B19 *Detailed Design of Retaining walls*

Submission for approval by the Principal Certifying Authority design detail including surcharge loads for any retaining walls to be erected on the site in accordance with AS 4678, *Tweed Shire Council Development Control Plan Part A1* and Councils Development Design Specifications and Development Construction Specifications. Design detail is to be supported by certification of adequacy of design from a suitably qualified structural engineer. Timber retaining walls are not permitted.

B20 *Fill*

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

Construction Management**B21 *Construction Environmental Management Plan***

- 1) Prior to the commencement of construction works for each stage of the project a Construction Environmental Management Plan (CEMP) shall be prepared that covers the area of works. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include, but not be limited to:
 - a) a description of all relevant activities to be undertaken on the site during construction (including an indicative timeline);
 - b) a description of relevant environmental management objectives for the site;
 - c) a detailed construction management strategy for each sequence / stage of the bulk earthworks;
 - d) details of measures to be installed to separate construction areas from publicly accessible areas;
 - e) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, licences and consultations;
 - f) a description of the roles and responsibilities for all relevant employees involved in construction
 - g) hours of work (including standard hours of work for the Environmental Officer);
 - h) a 24-hour contact telephone number shall be provided to all adjoining owners and occupants. Note: the nominated telephone number may contain provision for a voice message service outside of normal working hours.
 - i) Measures to be implemented during bulk earthworks operations to ensure the existing 600mm trunk water main is protected
 - j) Details of the Aboriginal Cultural Heritage Program for personnel and contractors (the program should be developed and implemented in collaboration with the local Aboriginal community)
 - k) A subset of the following management plans:
 - (i) traffic and pedestrian management (see condition B23);
 - (ii) noise and vibration management (see condition B24);
 - (iii) construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition B22);
 - (iv) erosion and sediment control for the entire site (see condition B25);
 - (v) dust management;
 - l) Note: other conditions in this approval may specify relevant objectives or requirements for or in addition to any of the matters listed directly above.
- 2) Bulk earthworks are limited to one sequence area at a time, with the maximum exposed disturbed area (that has not been permanently vegetated) not exceeding a maximum of 5 hectares, at any time to reduce exposed areas.
- 3) The CEMP shall be submitted for the approval of the certifying authority no later than one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of the CEMP consistent with the staging of

activities relating to that work. The Proponent shall also forward copy of the CEMP to the Director-General and Council for information. Construction shall not commence until written approval has been received from the certifying authority.

B22 *Demolition and Construction Waste Management Plan*

Prior to the issuing of a Construction Certificate, a demolition and construction waste management plan is to be provided to Council. The Waste management plan is to include:

- a) Demolition
 - (i) The volume and type of waste generated during demolition.
 - (ii) The methods of storage of material on site. A site plan should be included.
 - (iii) How recyclable materials will be separated, managed, and where the materials will be sent for recycling
 - (iv) The location and methods of disposal of all residual waste.
 - (v) The licensed transporter of the waste.
- b) Construction
 - (i) The type of waste generated during construction.
 - (ii) The method and location of waste storage on site.
 - (iii) How any recyclable materials will be managed.
 - (iv) The location of the disposal facility for residual waste.

B23 *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 RTA publication '*Traffic Control at Works Sites*' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- (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 shall submit a copy of the approved plan to Council.

B24 *Noise and Vibration Management Plan*

A Noise and Vibration Management Plan to detail measures to minimise noise emissions associated with the construction of the project shall be submitted for approval as part of the CEMP. This plan shall be prepared in accordance with the Interim Construction Noise Guidelines (DECC, July 2009) and shall include, but not necessarily be limited to:

- a) identification of all major sources of noise that may be emitted as a result of the construction of the project;
- b) identification of nearby residents and other sensitive land uses;
- c) specification of appropriate noise and vibration criteria as it applies to a particular activity;
- d) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
- e) procedures for the monitoring of noise emissions and vibrations; and
- f) a description of the procedures to be undertaken if any non-compliance is detected.

B25 Erosion and Sediment Control

- 1) The Proponent shall engage a suitably qualified person to prepare a detailed Sediment and Erosion Control Plan for the whole site prepared in accordance with Section D7.07 of Development Design Specification D7 - Stormwater Quality. Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with D7 and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works". The Plan must be prepared in consultation with and to the satisfaction of the NSW Office of Water that addresses the following (at a minimum):
 - a) Management of stormwater runoff during bulk earthworks, civil construction, landform stabilisation, on-maintenance and operational phases for all stages of the project.
 - b) Special consideration of measures required to protect the SEPP 14 wetlands,
 - c) Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction* Volume 1(2004) by Landcom.
- 2) The Plan must be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 bulk earthworks.
- 3) Staged construction and establishment of sediment control facilities and water quality treatment shall be in accordance with Water By Design - Technical Design Guidelines (Chapter 5.5). This is in order to ensure the integrity and durability of the treatment devices in the early stages of the development,

Stormwater

B26 Stormwater Quality Control Devices

The design of stormwater quality control devices shall be in accordance with Council's *Development Design Specification D7 - Stormwater Quality and Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Healthy Waterways)*. The construction certificate application for stormwater quality facilities in the central open drainage precinct shall provide the following detailed design amendments:

- a) Basin A - Provide outlet details;
- b) Basin B - Provide staging details of outlet works to a lawful point of discharge in accordance with bulk earthworks phasing;
- c) Basin C - Consider deletion given small contributing catchment;
- d) Provide details of high flow bypasses for each basin;
- e) Provide inlet designs that reduce inflow velocities and avoids scour of basin media;
- f) Provide maintenance accesses to all basins to the satisfaction of Council.

B27 Central Open Drainage Channel

Detailed design of the central open drainage channel shall be in accordance with the requirements of Council's *Development Design Specification D5 - Stormwater Drainage Design*, clauses D5.12 and D5.13, and address public safety and maintenance concerns to the satisfaction of the PCA, based on predicted velocity x depth products in this trunk drain.

B28 Stormwater Quality Treatment

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

- a) The Construction Certificate Application shall detail stormwater management for the occupational or use stage of the development in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

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- b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the *Tweed Urban Stormwater Quality Management Plan* and *Councils Development Design Specification D7 - Stormwater Quality*.
 - c) Specific Requirements to be detailed within the Construction Certificate application include:
 - (i) Shake down area along the haul route immediately before the intersection with the road reserve.
 - (ii) The close proximity of inlet and outlet structures for Basin D, and to a lesser extent Basin B, will need to be either justified or revised to ensure appropriate dispersion of inflows will occur.

B29 Water drawn from Councils reticulated system

Where water is to be drawn from Councils reticulated system, the proponent shall:

- a) Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
- b) Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
- c) Payment of relevant fees in accordance with Councils adopted fees and charges.

B30 Stormwater

All inter-allotment drainage systems shall be designed in accordance with Council's Development Design Specification D5 – Stormwater Drainage Design, catering for minor and major storm events, with appropriate consideration for blockages, bends, freeboard to adjoining residential development, and adjacent earth retaining structures.

Staging plans for the subdivision must provide the necessary stormwater infrastructure to fully service each stage of the development, to the satisfaction of the PCA. Details are to be provided prior to the issue of the Construction Certificate for each stage of the subdivision.

Traffic & Parking

B31 Extension of Market Parade

Construction of the extension of Market Parade (Road 2) shall occur no later than the Stage 4 civil works. Details are to be provided prior to the issue of the relevant Construction Certificate.

B32 Bus Parking Bays

Four (4) bus parking bays shall be provided on Road 2 in the general locations indicated on Figure 6.3 of the *Revised Transport Assessment* prepared by Bitzios Consulting dated 8 April 2013, Version 002 Project No P1197. The bays are to be designed to be positioned parallel to the kerb, and the parking area should be made long enough to adequately cater for a 12.5m bus to enter and exit the bay. Details are to be provided prior to the issue of the relevant Construction Certificate.

B33 Extension of Footpath and Bus Parking Bays along Fraser Drive

Details are to be provided prior to the issue of the Construction Certificate for that stage of the subdivision for the following:-

- 1) A 1.2m wide concrete footpath is to be constructed from the proposed pathway between Lots 128 and 129 of the Development along Fraser Drive and Glen Ayr Drive to the existing bus shelter on Kintyre Crescent, as part of Stage 1. Appropriate pedestrian crossing facilities to RMS guidelines are to be installed on Fraser Drive linking to the footpath.

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- 2) Bus parking bays shall be provided north bound and south bound on Fraser Drive within close proximity to Glen Ayr Drive and be accessed by the extended pedestrian pathway. The bays are to be designed to be positioned parallel to the kerb, and the parking area should be made long enough to adequately cater for a 12.5m bus to enter and exit the bay.

B34 Corner truncations in the local street network

Standardised 3m x 3m corner truncations in the local street network as nominated in Council's specification *D1 - Road Design* - Section D1.17.14 & 15 should be provided rather than the rounded corners as shown on the subdivision plan. Designs are to be shown on the Construction Certificate plans for the relevant stages to improve design compliance issues especially with regard to reticulated sewer infrastructure.

B35 Roads

- 1) Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads.
- 2) All roads shall be designed in accordance with the Council's *Development Design Specification D1 Road Design*. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works for each stage of the project.

B36 Regulatory Signage

All traffic regulatory signage and line marking is to be shown on the Construction Certificate application for each stage of the subdivision.

B37 Driveways

The Construction Certificate application for each stage of the subdivision is to demonstrate that all lots in the steeper sections of the subdivision can be serviced by a driveway in accordance with Development Design Specifications and Development Construction Specifications.

B38 Road Levels for Road Adjoining Lot 1 DP 175234

Finished road levels for the proposed road adjoining Lot 1 DP 175234 must be illustrated on the Construction Certificate plans for the relevant stage and must be to the satisfaction of the PCA.

B39 Driveway Access to No 26 Fraser Drive

Detailed design of the intersection of Proposed Road No 1 with Fraser Drive must ensure the intersection does not block vehicular access to and from No 26 Fraser Drive onto Fraser Drive, located opposite this proposed entry point. Details must be provided prior to the issue of the Construction Certificate for Stage 1 and must be to the satisfaction of the PCA.

Landscaping and Vegetation Management

B40 Vegetation Management & Rehabilitation Plan

The commencement of the *Vegetation Management & Rehabilitation Plan* ('VMRP') is to occur prior to the commencement of works on the site and continue to be implemented by the proponent until the performance targets are met and until such time that an agreement has been reached with Council for the dedication of the lands to which the plan applies. Prior to Issue of a Construction Certificate the VMRP is to be revised to incorporate the following:-

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- 1) Commencement - The VMRP must commence upon project approval in order to maximise lead time for restoration and rehabilitation works;
 - 2) Implementation Period – the VMRP must state that vegetation management and rehabilitation is to be maintained by the proponent until an agreement for dedication of the lands to Council has been reached;
 - 3) Performance standards and management actions – The VMRP must include performance standards and management actions relating to the two stages of rehabilitation, i.e. an initial establishment phase and the ongoing maintenance period;
 - 4) Monitoring programs – The VMRP must provide monitoring programs for "Revegetation Areas" and "Natural Regeneration Areas", a clear outline as to the responsibility for the maintenance of these areas throughout the duration of the plan and whether monitoring will be carried out in the planted areas within the open space and stormwater detention areas;
 - 5) Monitoring reports – the VMRP must state that all monitoring reports are to be forwarded to Council on an annual basis;
 - 6) Survival of planted stock – the VMRP must provide monitoring parameters for recording the survival of planted stock; and
 - 7) Bioretention basins – the VRMP must state that the planting out of bioretention basins and surrounding open space areas should be undertaken immediately following disturbance.

B41 *Revised Biting Insect Management Plan*

Prior to the issuing of a Construction Certificate, the *Biting Insect Management Plan* is to be revised in consultation with the Council's Pest Management Unit and to the satisfaction of Council to:-

- 1) include clear and measurable actions and targets for management of biting insects within the PPR site; and
- 2) identify and address the required management of the SEPP 14 wetland such that commitment to and funding for biting insect management is made until such time as lands are under the control of Council.

B42 *Detailed Landscape Plan*

- 1) A detailed landscape plan prepared by a qualified landscape architect must be submitted for all Public Reserves and roads to be dedicated to Council, including but not limited to areas of casual open space, structured open space, cycleways, pedestrian walkways and streetscapes.
- 2) Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council prior to the issue of the Construction Certificate for each relevant stage and include embellishments such as listed in Council's Subdivision Manual (*Section A5 of the Tweed Development Control Plan*) and *Development Design Specification* (D14) and related Standard Drawings and include grassing, landscaping, seating, park activation areas, playground equipment and shade cover. The plans must provide slope information, indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.
- 3) The plans must also specifically address the following issues/requirements:
 - a) An 'informal youth recreation space' as defined by the Tweed Youth Strategy and Action Plan", to be incorporated into the Neighbourhood Park design for Lot 712, in consultation with Council's Recreation Services Unit.;
 - b) The public open space area on Lot 451 is to be linked through design with the adjoining public land, and must address the vision and objectives of the Area E Urban Release Development Code: Section 2.7 Design Principle 5: Open Space;

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- c) The final landscape design for Lot 610 must consider the following to the satisfaction of the Council:-
- Design and construction of the embellishments are to minimise maintenance costs (construction materials should include recycled plastic wherever possible, and any timber that is unavoidable is to be painted rather than stained).
 - Safety and security of the turf area and shelter shed (being remote from the street) is to be maximised through the landscape design; and
- d) The final landscape plan for the public open space area at Lot 819 must include cross sections of the park that show the view lines over the surrounding houses.

B43 *Playgrounds*

Any playgrounds included in landscape plans must comply with the guidelines established in the '*Playground Audit for Tweed Shire Council*' (July 2009). In accordance with Appendix 3 of these guidelines, no playground facility shall have a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.

B44 *Planting List*

- 1) The plants listed in the landscape plans (not the areas subject to vegetation rehabilitation) are not to include any noxious or environmental weed species, and must have a minimum 80% of total plant numbers being local native species.
- 2) Species selection for revegetation works within the Conservation Area is to be guided by the *Revised Vegetation Management & Rehabilitation Plan* (JWA 2013) planting list, rather than the Landscape Plan.
- 3) Details are to be provided in the final detailed landscaping and *Vegetation Management and Rehabilitation Plans* prior to the issue of the Construction Certificate for each relevant stage.

B45 *Bushfire Management*

The site shall be managed in accordance with the *Bushfire Assessment Report* prepared by Bushfire Safe (Australia) Pty Ltd dated March 2012. The entire site, including reserves on Lots 451, 712 and 610, and excluding Lot 1001, shall be managed as an inner protection area (IPA) as outlined within Appendix 2 and 5 of *Planning for Bushfire Protection (2006)* and the NSW Rural Fire Service document '*Standards for Asset Protection Zones*'.

Monitoring

B46 *Stormwater Monitoring Plan*

In order to demonstrate that the stormwater management system satisfactorily complies with the intended design and the *Tweed Shire Council Development Control Plan Stormwater Design Specification*, a Stormwater Monitoring Plan shall be submitted with the s68 Stormwater Application to Council for approval prior to issue of the Construction Certificate for the first stage of the project. Due to the proximity of the SEPP 14 wetlands, the plan shall consider the appropriate water quality objectives of the *Tweed Urban Stormwater Quality Management Plan, 2012*, for drainage of stages 4, 5 and 6 for approval of the council.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice

The Principal Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.

The Principal Certifying Authority is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

C2 Notifying Adjoining Neighbours

- 1) Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations for any stage of the project.
- 2) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of the PCA so as to prevent the emission of offensive noise as a result of their operation.

C3 Contact Telephone Number

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

C4 Community Liaison Officer

A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis during construction works. Details of the contact person and telephone number shall be clearly displayed at the site entry. Details of the contact person and telephone number shall be locally advertised a minimum of fourteen (14) days prior to the commencement of works and local, directly affected residents notified by means of an individual letter box drop to each household.

Public Risk

C5 Public Risk Liability

The proponent shall provide to the PCA copies of Public Risk Liability Insurance to a minimum value of \$10 Million for the period of commencement of works until the completion of the defects liability period.

Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

C6 Site Safety

Prior to the commencement of works for each stage of the subdivision, the applicant shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with the relevant guidelines and legislation.

Structural Works

C7 *Structural Details*

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

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

C8 *Filling of the Site and Imported Fill*

- 1) Once the Construction Certificate has been issued for each stage of the subdivision, any change in the source of fill must be notified to the Certifying Authority and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report must include any conditions on the use of the material and a report from a registered NATA laboratory on the soil properties of the fill material including contamination.
- 2) All imported fill material shall be from an approved source.
- 3) Prior to commencement of filling operations details of the source of the fill, nature of material, proposed use of material and confirmation that further blending, crushing or processing is not to be undertaken shall be submitted to the satisfaction of the PCA. Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to the issue of the relevant Subdivision Certificate.

C9 *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 Principal Certifying Authority. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and must be supported by a geotechnical assessment of the founding material.

Pollution Control

C10 *Erosion and Sediment Control*

Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority. These measures are to be in accordance with the approved erosion and sedimentation control plan and adequately maintained throughout the duration of the development.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act, 1993*, is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

C11 *Existing Services*

The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying

Authority advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

C12 Movement of Trucks Transporting Waste Material

The proponent shall notify the Roads and Maritime Service's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site for each stage of the project.

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved construction certificate, drawings and specifications.

D2 Carrying out of Works

Subject to other conditions of this approval, the works are to be completed in accordance with Tweed Shire Councils *Development Control Plan, Part A5 - Subdivision Manual*, Development Design Specifications and Development Construction Specifications, including variations to the approved drawings as may be required due to insufficient detail shown on the drawings or to ensure that good engineering practices are achieved.

D3 Site Notice

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

- 1) Details of the Builder, Principal Certifying Authority and Structural Engineer for all stages of the project;
- 2) The approved hours of work;
- 3) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- 4) To state that unauthorised entry to the site is not permitted.

D4 Site security

It is the responsibility of the Proponent to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and *Occupational Health and Safety Regulation 2001*.

D5 Protection of Trees – On-site Trees

All trees 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 Dust Control Measures

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

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of project to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.
- (9) All topsoil stockpiles are to be sprayed with dust suppression material such as “hydromulch”, “dustex” or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.

D7 Minimise impact on the neighbourhood

All work associated with this approval is to be carried out so as not to impact on the neighbourhood, adjacent premises or the environment. All necessary precautions, covering and protection shall be taken to minimise impact from:

- noise, water or air pollution,
- dust during filling operations and also from construction vehicles, and
- material removed from the site by wind.

D8 Minimise Harm to the Environment

All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

D9 Asbestos Removal

The removal of any asbestos and material containing asbestos from the site shall be carried out in accordance with any requirements of the WorkCover Authority of NSW, the Waste Management Authority and the Environmental Protection Authority and Australian Standard 1319, and the following legislation:

-
- a) The *Construction Safety Act 1912* (as amended).
 - b) The *Occupational Health and Safety Regulations 1988*.
 - c) The *Waste Disposal Act 1970* (as amended).

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

D10 *Disposal of Asbestos*

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos.

D11 *Remediation Works*

The Proponent shall carry out the project in accordance with the requirements of the *Remediation Action Plan* prepared by Gilbert & Sutherland Pty Ltd dated October 2013 ('RAP') or any amended version of this document approved by the Accredited Contaminated Land Auditor in accordance with Condition B11.

D12 *Trade Waste*

The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blow from the site.

D13 *Removal of Material*

No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of the PCA.

D14 *Surrounding Road Carriageways*

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

D15 *Construction adjoining public Roads, Parks etc*

Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

D16 *Burning of Vegetation*

The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. All such materials shall either be recycled or disposed of in a manner acceptable to the PCA.

D17 *Damage to Public Infrastructure*

Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in

accordance with Councils Development Design Specifications and Development Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

D18 Qualified Environmental Officer

An appropriately qualified Environmental Officer(s), that is to receive the prior approval of the Director-General, shall be engaged by the proponent for the duration of the works including, but not limited to, habitat restoration works, environmental rehabilitation works and proposed planting areas. Their role shall be to oversee environmental compliance of the project until conditions have been satisfied.

Site Maintenance

D19 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 to the satisfaction of the council, and until all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Noise and Vibration

D20 Hours of Work

Construction and/or demolition site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council:

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sundays or Public Holidays

The Certifying Authority is responsible to instruct and control subcontractors regarding hours of work.

D21 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} (15minute) 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 shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- 3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Management Plan.
- 4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D22 Construction Noise Management

All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which the PCA deem to be reasonable, the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

$L_{Aeq, 15 \text{ min}}$ noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

D23 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)*.

D24 Use of Vibratory Compaction Equipment

The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

D25 Use of Crushing Plant Machinery

The use of crushing plant machinery, mechanical screening or mechanical blending of materials must be subject to a separate development application with Council.

Geotechnical

D26 Geotechnical Engineer

A suitably qualified Geotechnical Engineer is required onsite during remediation of the identified landslips of the site to:

- i.) Confirm the competency of the base;
- ii.) Identify the points of seepage entry; and,
- iii.) Provide instructions on the construction of the seepage control.

D27 Filling of the Site

- 1) Any imported fill material shall be from an approved source.
- 2) Prior to the commencement of filling operations, details of the source of fill, description of material and documentary evidence that the fill material is free of any contaminants, and details of the proposed haulage route shall be submitted to the PAC for approval.
- 3) During filling operations,
 - a) No filling is to be placed hydraulically within twenty metres (20m) of any boundary that adjoins private land that is separately owned. Fill adjacent to these boundaries is to be placed mechanically;
 - b) All fill and cut batters shall be contained wholly within the subject site;

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- c) All cut or fill on the property is to be battered at an angle not greater than 45° within the property boundary, stabilised and provided with a dish drain or similar at the base in accordance with Tweed Shire Councils Development Design Specifications and Development Construction Specifications
 - d) and to the satisfaction of the Principal Certifying Authority.
 - e) Upon completion, all topsoil to be respread and the site to be grassed and landscaped including battered areas.

D28 Earthworks

Proposed earthworks shall be carried out in accordance with AS 3798, "*Guidelines on Earthworks for Commercial and Residential Developments*". The earthworks shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798 shall be submitted to the Principal Certifying Authority upon completion.

D29 No Ponding of Surface Water

All lots must be graded to prevent the ponding of surface water and be adequately vegetated to prevent erosion from wind and/or water to the satisfaction of the General Manager or his delegate.

D30 Retaining Walls

All retaining walls in excess of 1.2 metres in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of an Occupation/Subdivision Certificate.

Road Construction

D31 Prior to Road Construction

Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to the PCA for approval and demonstrating.

- a) That the pavement has been designed in accordance with Tweed Shire Councils *Development Design Specification, D2*.
- b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
- c) That site fill areas have been compacted to the specified standard.
- d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

D32 During Road Construction

During the relevant stages of road construction, tests shall be undertaken by a Registered NATA Geotechnical firm. A report including copies of test results shall be submitted to the PCA prior to the placement of the wearing surface demonstrating:

- (a) That the pavement layers have been compacted in accordance with Councils Development Design Specifications and Development Construction Specifications.

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- (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

D33 Temporary Turning Areas

Provision of temporary turning areas and associated signage for refuse vehicles at the end of roads which will be extended in subsequent stages is required. The temporary turning areas shall be constructed with a minimum 150mm pavement (CBR 45) and shall have a right of carriageway registered over the turning area until such time as the road is extended.

D34 Pram Ramps

Pram ramps are to be constructed at road intersections in accordance with Council's Standard Drawing No. SD 014 within all kerb types including roll top kerb.

D35 Road Names

The applicant shall obtain the written approval of Council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

Application for road naming shall be made on Council's Property Service Form and be accompanied by the prescribed fees as tabled in Council's current Revenue Policy - "Fees and Charges".

The application shall also be supported by sufficient detail to demonstrate compliance with Council's Road Naming Policy.

Stormwater and Drainage

D36 Stormwater

- 1) Inter allotment drainage shall be provided to all lots where roof water for dwellings cannot be conveyed to the street gutter by gravitational means.
- 2) All stormwater gully lintels shall have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification.
- 3) Regular inspections shall be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.
- 4) Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.
- 5) This inspection program is to be maintained until the maintenance bond is released or until the PCA is satisfied that the site is fully rehabilitated.

D37 Monitoring of Stormwater Management System

The stormwater drainage system shall be monitored throughout construction of each stage of the project to demonstrate that it satisfactorily complies with the intended design and the *Tweed Shire Council's Development Control Plan Stormwater Design Specification*. Amendments to the system may be required to ensure compliance.

D38 *Failure of Water Quality Monitoring*

Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the water quality monitoring being carried out on the site.

D39 *Water drawn from Council's Reticulated System*

All water drawn from Council's reticulated system shall be via a Tweed Shire Council metered standpipe. The location of the hydrant shall be nominated by Tweed Shire Council and all water shall be only used for the purposes nominated by the applicant for the duration of the construction activities.

D40 *Acid Sulfate Soil Assessment and Management Plan*

All works shall be completed in accordance with the *Acid Sulfate Soil Assessment and Management Plan Altitude Aspire, Terranora, Gilbert & Sutherland*, April 2012 (10849-ASSA&MP) to the satisfaction of the PCA. All works associated with disturbances of materials identified in this Management Plan and related water quality monitoring shall be supervised or conducted by an appropriately qualified environmental consultant.

D41 *Runoff from Acid Sulphate Treatment Areas*

- 1) Intercepted groundwater and surface water runoff from acid sulphate treatment areas shall be directed to the on-site stormwater treatment basins prior to release from the site.
- 2) Prior to release of any surface or groundwater (associated with identified acid sulphate soil treatment and management areas) from on-site water treatment basins water quality monitoring shall be conducted to ensure that identified water quality release criteria under the adopted *Acid Sulfate Soil Assessment and Management Plan* have been complied with. All monitoring results shall be retained on site and provided to an authorised Council officer upon request.

D42 *Discharge Water Quality*

Should any failure be identified in relation to identified discharge water quality objectives then works shall cease until such time as a dewatering management plan has been submitted to the satisfaction of the PCA. All works shall comply with the approved plan.

D43 *Water discharged from the site*

All water discharged from the site during the construction phase shall comply with the pH range 5 to 8.5.

Heritage**D44 *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 shall 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.

D45 *Impact of Below Ground (Sub-surface) Works – Aboriginal Objects*

In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s) and the Office of Environment and Heritage are to be notified immediately, in accordance with the provisions of the *National Parks and Wildlife Act 1974*. A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s).

The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH) and the management outcome for the site included in the information provided to the AHIMS. The proponent will consult with the Aboriginal community representatives the archaeologist and the Office of Environment and Heritage to develop and implement management strategies for all objects/sites.

Inspections

D46 *Council Inspections*

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

Roadworks

- a) Pre-construction commencement erosion and sedimentation control measures
- b) Completion of earthworks
- c) Excavation of subgrade
- d) Pavement - sub-base
- e) Pavement - pre kerb
- f) Pavement - pre seal
- g) Pathways, footways, cycleways - formwork/reinforcement
- h) Final Practical Inspection - on maintenance
- i) Off Maintenance inspection

Water Reticulation, Sewer Reticulation, Drainage

- a) Excavation
- b) Bedding
- c) Laying/jointing
- d) Manholes/pits
- e) Backfilling
- f) Permanent erosion and sedimentation control measures
- g) Drainage channels
- h) Final Practical Inspection - on maintenance
- i) Off maintenance

Sewer Pump Station and Lift Stations

- a) Excavation
- b) Formwork/reinforcement
- c) Hydraulics
- d) Mechanical/electrical
- e) Commissioning - on maintenance
- f) Off maintenance

Stormwater Quality Control Devices (other than proprietary devices)

For detail refer to Water By Design - Technical Guidelines

- a) Earthworks and filter media
- b) Structural components
- c) Operational establishment
- d) Mechanical/electrical

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- e) Commissioning - on maintenance
 - f) Off maintenance.

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

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

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

D47 *Inspection of Roads*

During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993, if relevant. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

D48 *Inspection of stormwater quality control devices*

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

PART E — PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

E1 *Part 4A Certificate*

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

The following information must accompany an application:

- a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
- b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 5.7.6 and Councils Application for Subdivision Certificate including the attached notes.

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

E2 *Completion in accordance with Plan*

Prior to issue of a subdivision certificate for a stage, all works/actions/inspections etc required by other conditions or approved management plans or the like shall, to the extent that they are relevant and required for that stage, be completed in accordance with those conditions or plans. A Subdivision Certificate will not be issued by the PCA until such time as all conditions of this project approval relevant to the stage have been complied with.

Developer Contributions

E3 Section 64 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Stage 1

Water DSP3: 41.8 ET @ \$12575 per ET \$525635

Sewer Banora: 43 ET @ \$6042 per ET \$259806

Stage 2

Water DSP3: 28 ET @ \$12575 per ET \$352100

Sewer Banora: 28 ET @ \$6042 per ET \$169176

Stage 3

Water DSP3: 24 ET @ \$12575 per ET \$301800

Sewer Banora: 24 ET @ \$6042 per ET \$145008

Stage 4

Water DSP3: 50 ET @ \$12575 per ET \$628750

Sewer Banora: 50 ET @ \$6042 per ET \$302100

Stage 5

Water DSP3: 23 ET @ \$12575 per ET \$289225

Sewer Banora: 23 ET @ \$6042 per ET \$138966

Stage 6

Water DSP3: 9 ET @ \$12575 per ET \$113175

Sewer Banora: 9 ET @ \$6042 per ET \$54378

Stage 7

Water DSP3: 12 ET @ \$12575 per ET \$150900

Sewer Banora: 12 ET @ \$6042 per ET \$72504

Stage 8

Water DSP3: 40 ET @ \$12575 per ET \$503000

Sewer Banora: 40 ET @ \$6042 per ET \$241680

Stage 9

Water DSP3: 26 ET @ \$12575 per ET \$326950

Sewer Banora: 26 ET @ \$6042 per ET \$157092

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

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS APPROVAL MUST BE PROVIDED AT THE TIME OF PAYMENT.

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

E4 Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan is required.

Prior to the any Interim or Final Occupation Certificate, all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS APPROVAL MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates as indexed under the applicable relevant Section 94 Plan current at the time of the payment.

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

Tweed Road Contribution Plan No.4 (Sector5_4)			
	No. of Trips	\$ per trip (\$1988 base rate + \$71 indexation)	Sub-Total
Stage 1	227.5	\$2059	\$468,423
Stage 2	182	\$2059	\$374,738
Stage 3	156	\$2059	\$321,204
Stage 4	325	\$2059	\$669,175
Stage 5	149.5	\$2059	\$307,821
Stage 6	58.5	\$2059	\$120,452
Stage 7	78	\$2059	\$160,602
Stage 8	260	\$2059	\$535,340
Stage 9	169	\$2059	\$347,971
Stage 10	N/A	\$2059	N/A

Tweed Shire Library Facilities Contribution Plan No. 11			
	No. of ET	\$ per ET ((\$792 base rate + \$46 indexation)	Sub-Total
Stage 1	35	\$838	\$29,330
Stage 2	28	\$838	\$23,464
Stage 3	24	\$838	\$20,112
Stage 4	50	\$838	\$41,900
Stage 5	23	\$838	\$19,274
Stage 6	9	\$838	\$7,542
Stage 7	12	\$838	\$10,056
Stage 8	40	\$838	\$33,520
Stage 9	26	\$838	\$21,788
Stage 10	N/A	\$838	N/A
Bus Shelters Contribution Plan No. 12			
	No. of ET	\$ per ET (\$60 base rate + \$4 indexation)	Sub-Total
Stage 1	35	\$64	\$2,240
Stage 2	28	\$64	\$1,792
Stage 3	24	\$64	\$1,536
Stage 4	50	\$64	\$3,200
Stage 5	23	\$64	\$1,472
Stage 6	9	\$64	\$576
Stage 7	12	\$64	\$768
Stage 8	40	\$64	\$2,560
Stage 9	26	\$64	\$1,664
Stage 10	N/A	\$64	N/A
Environ Cemetery Contribution Plan No. 13			
	No. of ET	\$ per ET (\$101 base rate + \$22 indexation)	Sub-Total
Stage 1	35	\$123	\$4,305
Stage 2	28	\$123	\$3,444
Stage 3	24	\$123	\$2,952
Stage 4	50	\$123	\$6,150
Stage 5	23	\$123	\$2,829
Stage 6	9	\$123	\$1,107
Stage 7	12	\$123	\$1,476
Stage 8	40	\$123	\$4,920
Stage 9	26	\$123	\$3,198
Stage 10	N/A	\$123	N/A

Community Facilities Contribution Plan No 15 (Tweed Coast - North)			
	No. of ET	\$ per ET (\$1305.6 base rate + \$83.4 indexation)	Sub-Total
Stage 1	35	\$1389	\$48,615
Stage 2	28	\$1389	\$38,892
Stage 3	24	\$1389	\$33,336
Stage 4	50	\$1389	\$69,450
Stage 5	23	\$1389	\$31,947
Stage 6	9	\$1389	\$12,501
Stage 7	12	\$1389	\$16,668
Stage 8	40	\$1389	\$55,560
Stage 9	26	\$1389	\$36,114
Stage 10	N/A	\$1389	N/A
Extensions to Council Administration Offices & technical Support Facilities Contribution Plan No. 18			
	No. of ET	\$ per ET (\$1759.9 base rate + \$100.41 indexation)	Sub-Total
Stage 1	35	\$1860.31	\$65,110.85
Stage 2	28	\$1860.31	\$52,088.68
Stage 3	24	\$1860.31	\$44,647.44
Stage 4	50	\$1860.31	\$93,015.50
Stage 5	23	\$1860.31	\$42,787.13
Stage 6	9	\$1860.31	\$16,742.79
Stage 7	12	\$1860.31	\$22,323.72
Stage 8	40	\$1860.31	\$74,412.40
Stage 9	26	\$1860.31	\$48,368.06
Stage 10	N/A	\$1860.31	N/A
Cycleways Contribution Plan No. 22			
	No. of ET	\$ per ET (\$447 base rate + \$26 indexation)	Sub-Total
Stage 1	35	\$473	\$16,555
Stage 2	28	\$473	\$13,244
Stage 3	24	\$473	\$11,352
Stage 4	50	\$473	\$23,650
Stage 5	23	\$473	\$10,879
Stage 6	9	\$473	\$4,257
Stage 7	12	\$473	\$5,676
Stage 8	40	\$473	\$18,920
Stage 9	26	\$473	\$12,298

Stage 10	N/A	\$473	N/A
Regional Open Space Contribution Plan No 26– Casual			
	No. of ET	\$ per ET (\$1031 base rate + \$60 indexation)	Sub-Total
Stage 1	35	\$1091	\$38,185
Stage 2	28	\$1091	\$30,548
Stage 3	24	\$1091	\$26,184
Stage 4	50	\$1091	\$54,550
Stage 5	23	\$1091	\$25,093
Stage 6	9	\$1091	\$9,819
Stage 7	12	\$1091	\$13,092
Stage 8	40	\$1091	\$43,640
Stage 9	26	\$1091	\$28,366
Stage 10	N/A	\$1091	N/A
Regional Open Space Contribution Plan No 26 – Structured			
	No. of ET	\$ per ET (\$3619 base rate + \$211 indexation)	Sub-Total
Stage 1	35	\$3830	\$134,050
Stage 2	28	\$3830	\$107,240
Stage 3	24	\$3830	\$91,920
Stage 4	50	\$3830	\$191,500
Stage 5	23	\$3830	\$88,090
Stage 6	9	\$3830	\$34,470
Stage 7	12	\$3830	\$45,960
Stage 8	40	\$3830	\$153,200
Stage 9	26	\$3830	\$99,580
Stage 10	N/A	\$3830	N/A
TOTAL CONTRIBUTIONS PAYABLE			
Stage 1		\$806,813.85	
Stage 2		\$645,450.68	
Stage 3		\$553,243.44	
Stage 4		\$1,152,590.50	
Stage 5		\$530,192.13	
Stage 6		\$207,466.79	
Stage 7		\$276,621.72	
Stage 8		\$922,072.40	
Stage 9		\$599,347.06	
Stage 10		\$NIL	

E5 Section 94 Contributions – Heavy Haulage

Payment of the following contributions for each relevant stage pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* and the relevant Section 94 Plan.

Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates as indexed under the relevant Section 94 Plan current at the time of the payment.

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

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of *Tweed Road Contribution Plan No. 4 - Version 5* prior to the issue of the subdivision certificate is required. The contribution shall be based on the following formula:-

$$\text{\$Con TRCP - Heavy} = \text{Prod.} \times \text{Dist} \times \text{\$Unit} \times (1 + \text{Admin.})$$

where:

$\text{\$Con TRCP - Heavy} =$ heavy haulage contribution and:

$\text{Prod} =$ projected demand for extractive material to be hauled to the site over life of project in tonnes

$\text{Dist} =$ average haulage distance of product on Shire roads (trip one way)

$\text{\$Unit} =$ the unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

$\text{Admin} =$ Administration component - 5% - see Section 6.6

E6 Compliance Certificate

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

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

Note:

1. All compliance certificate applications must be accompanied by documentary evidence from the developers Accredited Certifier certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's *Development Control Plan Part A5 - Subdivisions Manual* and Councils *Development Design and Construction Specifications*.
2. The EP&A Act, 1979 (as amended) makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier".

E7 Certificate of Compliance – Fill Material

Prior to the issue of a subdivision certificate, a certificate of compliance shall be submitted to Council by an Accredited Certifier, verifying that the placed fill has been compacted in accordance with the requirements of AS 3798, *“Guidelines on Earthworks for Commercial and Residential Developments”* and is suitable for residential purposes. The submission shall include copies of all undertaken test results.

E8 Work as Executed Plans – Services within Easements

The project is to be connected to all available services (water, electricity and telephone) prior to issue of the Subdivision Certificate for each stage of the project. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent, in accordance with the Construction Certificate under the supervision of an engineer or surveyor approved by the Council.

Prior to the issue of a Subdivision Certificate for each stage of the subdivision, Work as Executed Plans shall be submitted in accordance with the provisions of Tweed Shire Council's *Development Control Plan Part A5 - Subdivision Manual* and Council's *Development Design Specification, D13 - Engineering Plans*. The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer certifying that:

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

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

E9 Community Management Statement

Prior to issue of any Subdivision Certificate, a Community Management Statement is to be submitted to and approved by the PCA that addresses the relevant Stage of the development being released, and that Stage's relationship in context with the overall Community Titled development. The statement must also provide a Utility Services Plan, showing works as executed (WAE), within any Community Lot being created.

E10 Street Numbering and Address

Submit to Council's Property Officer for approval an appropriate plan indicating the street/road address number to both proposed and existing lots prior to the issue of the Subdivision Certificate for each stage of the subdivision. In accordance with clause 60 of the Surveying and *Spatial Information Regulation 2012* the Plan of Subdivision (Deposited Plan) shall show the approved street address for each new lot in the deposited plan.

Application for road naming shall be made on Council's Property Service Form and be accompanied by the prescribed fees as tabled in Council's current Revenue Policy - "Fees and Charges". The application shall also be supported by sufficient detail to demonstrate compliance with Council's Road Naming Policy.

E11 Asset Creation Form

Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to the PCA at the same time an application is made for a Subdivision Certificate.

E12 Creation of Easements

The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be 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) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "*Planning for Bushfire Protection 2006* " Guidelines and the General Terms of Approval of the Consent as imposed under Section 100B of the *Rural Fires Act 1997* are enforced in perpetuity.
- c) Extinguishment of superfluous Right of Carriageways that were previously created to provide temporary turning areas for refuse vehicles and the general public, but are now no longer required.
- d) A *Restriction As To User* requiring the provision of a minimum capacity 5kL rainwater tank for all single dwelling allotments, in accordance with the requirements of Council.
- e) A *Restriction As To User* over Lot 811 requiring the provision and construction of a designated off-street parking space, in conjunction with the construction of any dwelling on the site.
- f) A *Restriction as to user* requiring a timber screen fence with wire mesh unit to provide 'green walls' along the rear of lots adjoining Fraser Drive with planting in Council's road reserve as provided in the Landscape Masterplan prepared by Form Landscape Architects dated 12 August 2013.
- g) A *Restriction as to user* requiring fencing along the rear of medium density lots 701, 711 and 925 adjoining public open space and drainage reserve areas to be a an aluminum and timber (open form) fence with screen planting and adjoining cycle path as provided in the Landscape Masterplan prepared by Form Landscape Architects dated 12 August 2013.
- h) A *Restriction as to user* requiring the future homes on lots to be responsive to the slope of the block. The restriction should specifically list all 254 residential lots and detail what slope category the allotments fall within (having regard to the revised Structural Systems Plan required by Condition B9 of this approval (to replace the Structural Systems Plan as prepared by Local Office Architecture Version SK.0002 and dated March 2013 Issue D). Each lot will be burdened to construct a house typology based on the below indicative Structural System dependant on slope.
- i) The keeping of cats (with the exception of assistance animals, as defined under the *Commonwealth Disability Discrimination Act 1992*) within the site is prohibited.
- j) The following Restriction on Title is to be imposed on all residential lots created that are adjacent to Fraser Drive:

'Future dwellings on noise affected lots identified in the Acoustic Report (Lots 122-142 and Lots 201-205 and Lots 301-304 and Lot 324) prepared by TTM (ttm ref: 11GCA0048 RO1_7) dated April 2013 are to be designed in accordance with the procedures of Australian Standard AS3671:1998 'Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction' to achieve the internal sound levels outlined in SEPP (Infrastructure) 2007 - Regulation 102 which are reproduced in Section 4.2 of the TTM report. Purchasers of noise affected lots will be responsible for obtaining an Acoustic Assessment from an Acoustic Consultant and shall construct their dwellings in accordance with the recommendations contained in the assessment report.'
- k) A 5 metre wide 'Restriction on Use' to be imposed on all lots abutting Fraser Drive excluding any buildings within the rear 5 metres of the lots, ensuring a 5 metre wide landscape buffer is achieved along the rear of the proposed lots; and
- l) Creation of an appropriate easement over the existing sewer rising main that currently traverses the northern portion of the site.

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- m) A restriction as to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall. Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard. The Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

Pursuant to Section 88BA of the *Conveyancing Act 1919* (as amended) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway / easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

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*, *Strata Titles Act*, *Conveyancing Act*, or other applicable legislation.

E13 Bushfire Certification

Prior to the issue of any Subdivision Certificate, certification from a Fire Protection Association Australia (FPA Australia) accredited Bushfire Planning And Design (BPAD) certified practitioner, must be submitted to the Certifying Authority, confirming that the works have been undertaken in accordance with the *Bushfire Assessment Report* prepared by Bushfire Safe (Australia) Pty Ltd dated March 2012 and the conditions of this approval.

E14 Defect Liability Bond

Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council for each stage of the project. The bond shall be based on 5% of the value of the public infrastructure works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the plan of subdivision is registered.

It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

E15 Defects Liability Period

The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision for each stage of the project.

E16 Inspection prior to the end of defects liability period

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

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

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

E17 Performance Bond

Prior to the issue of a Subdivision Certificate, a performance bond equal to 25% of the contract value of the footpath construction works shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

E18 Further Dilapidation Report

- 1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works for each stage of the subdivision. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- 2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads (that has not been rectified or subject to an arrangement agreed between it and the Proponent).
- 3) A copy of this report is to be forwarded to the Department and Council.

Earthworks/Geotechnical/Remediation

E19 Retaining Walls

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

E20 Geotechnical Certification

Prior to issue of a Subdivision Certificate for any stage of the project, the consultant geotechnical engineer is to certify the following on site:

- The remediation of all nominated slips on the site; and,
- All lots in the subdivision are to be certified as being sound for building construction purposes, classifying the soil type, and addressing the adequate bearing capacities of the soils in accordance with AS 2870, Residential Slabs and Footings Construction and the submission of soil compaction and bearing capacity test results for the filled areas.

This certification shall be provided to Council prior to the release of the Subdivision Certificate for the first stage of the project.

E21 Validation of the Remediation Works

Prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision, the following shall be provided to the Council and the department:-

- 1) Upon completion of the remediation works, a Section A Site Audit Statement ('SAS') and validation from a NSW EPA accredited Site Auditor, which certifies that the land is suitable for the proposed residential use, must be provided to the Council and the

department prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision.

- 2) A Site Audit Report prepared by a NSW EPA accredited Site Auditor in accordance with the NSW EPA (1997) '*Guidelines for Consultants Reporting on Contaminated Sites*', which details the extent of remediation works undertaken on the site shall also be provided to the Council and department prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision.

Traffic and Access

E22 Civil works

- 1) All civil works approved with the Construction Certificate are to be completed to the satisfaction of Council prior to issue of a Subdivision Certificate for each stage of the project. All works are to be completed in accordance with Council's *Subdivision Code*
- 2) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Council's Development Design Specifications and Development Construction Specifications prior to the issue of a Subdivision Certificate for each stage of the project.

Services

E23 Water Supply

Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the subdivision in accordance with conditions of consent, Tweed Shire Council's *Development Control Plan Part A5 - Subdivisions Manual*, Councils *Development Design and Construction Specifications* and the Construction Certificate approval(s). The *Environmental Planning and Assessment Act, 1979* (as amended) makes no provision for works under the *Water Management Act, 2000* to be certified by an Accredited Certifier.

E24 Sewage Pump Station

- 1) An accurate plan of the sewage pumping station site shall be submitted to Council 60 days prior to lodgement of the Application for a Subdivision Certificate to allow the land to be classified. The *Environmental Planning and Assessment Act, 1979* (as amended) makes no provision for works under the *Water Supplies Authorities Act, 1987* to be certified by an Accredited Certifier.
- 2) The site of the sewage pumping station shall be transferred to Council in fee simple, at no cost to Council within 28 days of the date of registration of the relevant plan of subdivision.

E25 Accurate Plan of Subdivision

60 days prior to lodgment of Application for a Subdivision Certificate, an accurate plan of the subdivision is to be submitted to Council indicating all public land to be dedicated to Council (including Drainage Reserves, Sewer Pump Stations, Parks, Conservation Areas and other lands as defined and excluding Roads, etc). The function of all such public land is to be indicated to allow classification of the land parcel by Council as either Operational or Community Land, as detailed in the *Local Government Act 1993*.

E26 Telecommunications

The production of written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision

of underground telephone supply at the front boundary of all allotments being created, must be submitted prior to issue of a Subdivision Certificate for each stage of the project. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the subdivision is required to provide a pit and conduit network to allow for the installation of fibre to the home (FTTH) broadband services.

E27 Electricity

- 1) The following is required prior to the issue of a Subdivision Certificate for each relevant stage of the subdivision:-
 - a) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity (residential and rural residential) has been provided adjacent to the front boundary of each allotment; and
 - b) The reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights are to be capable of being energised following a formal request by Council.
- 2) Should any electrical supply authority infrastructure (sub-stations, switching stations, cabling etc) be required to be located on Council land (existing or future), then Council is to be included in all negotiations. Appropriate easements are to be created over all such infrastructure, whether on Council lands or private lands.
- 3) Compensatory measures may be pursued by the Council for any significant effect on Public Reserves or Drainage Reserves.

Open Space / Landscaping

E28 Dedication of Public Reserves

Prior to the release of a Subdivision Certificate for each stage of the project, all Public Reserves/casual open space areas shall be suitably embellished at no cost to Council in accordance with the approved detailed landscape plans. The public reserves/public open space areas shall be dedicated to Council upon registration of the Plan of Subdivision.

The exception to pre-dedication embellishment is playground equipment and soft fall. Council will undertake the installation when 20% or more of the relevant stage's allotments are occupied. The developer must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and a bank guarantee or cash contribution equivalent to the value of such items.

E29 Maintenance of Streetscapes and Casual Open Space

The developer is to undertake care and maintenance operations on all streetscapes, casual open space and structured open space for a minimum of 12 months after the Subdivision is registered with the Land Titles Office. This is the establishment period for new plantings. Such maintenance will include all soft landscaping, particularly mowing and weed control. Any power and water consumption costs during this period must also be met by the developer.

E30 Vegetation Management Maintenance

All works associated with the Vegetation Management and Rehabilitation Plan (excluding ongoing maintenance) is to be completed to the satisfaction of the PCA prior to the release of the relevant Subdivision Certificate for that stage.

E31 Landscape Bond

A bond to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the proponent prior to the issue of any Subdivision Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non-compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

E32 Works As Executed Plans – Open Space

Prior to issue of a Subdivision Certificate, Work as Executed Plans (WAX) must be submitted to the Council for approval for all landscaped casual and active open space. These must show all underground services, irrigation systems and the location of concrete paths, structures, other park infrastructure and garden bed outlines.

The plans are to be certified by a registered surveyor or consulting engineer. Two categories of WAX plans are to be provided:

- a) The original approved plan with any variation to this indicated.
- b) Plan showing only the actual as constructed information,

The plans are to be submitted in the following formats:

- a) 2 paper copies of the same scale and format as the approved plan.
- b) A PDF version on CD or an approved medium.

An electronic copy in DWG or DXF format on CD or an approved medium are required.

Dedication of Land

E33 Dedication of Drainage Reserve

The proponent shall:

- a) Dedicate the proposed drainage reserve on Lot 610 at no cost to Council upon registration of the Plan of Subdivision for each relevant stage.
- b) .
- c) Submit an accurate plan of the proposed drainage reserve to Council 60 days prior to lodgement of Application for Subdivision Certificate to allow the land to be classified.

E34 Dedication of Internal Roads

All internal roads shall be constructed by the proponent and (excluding constructed roads within the Community Title Lot) are to be dedicated to Council as public roads upon registration of the Plan of Subdivision

for each stage of the project. Upon dedication and at the end of the defects liability period Council will be responsible for the on-going maintenance of the roads.

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall 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 developer shall 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 shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

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 shall 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 shall be complied with to the satisfaction of the PCA:

- (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 shall 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

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The 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 proponent's 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 Airspace Controls

- (1) The Commonwealth airspace approvals should be obtained prior to construction for any building or structure which would constitute a "controlled activity" under the Commonwealth Airports Act, by virtue of penetration of the OLS and/or PANS-OPS surfaces of Gold Coast Airport.

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- (2) Commonwealth airspace approvals are also to be obtained for any temporary penetration of the airspace for erection of construction cranes prior to construction.
 - (3) With regard to the approvals for any building or structure under the BCA, consultation is to be undertaken with the Gold Coast Airport during the preparation of the applications to ascertain criteria for height limit determination.

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SCHEDULE 3

**STATEMENT OF COMMITMENTS
(OCTOBER 2013)**

MP 09_0166

APPENDIX A:
DRAFT VOLUNTARY PLANNING AGREEMENT