

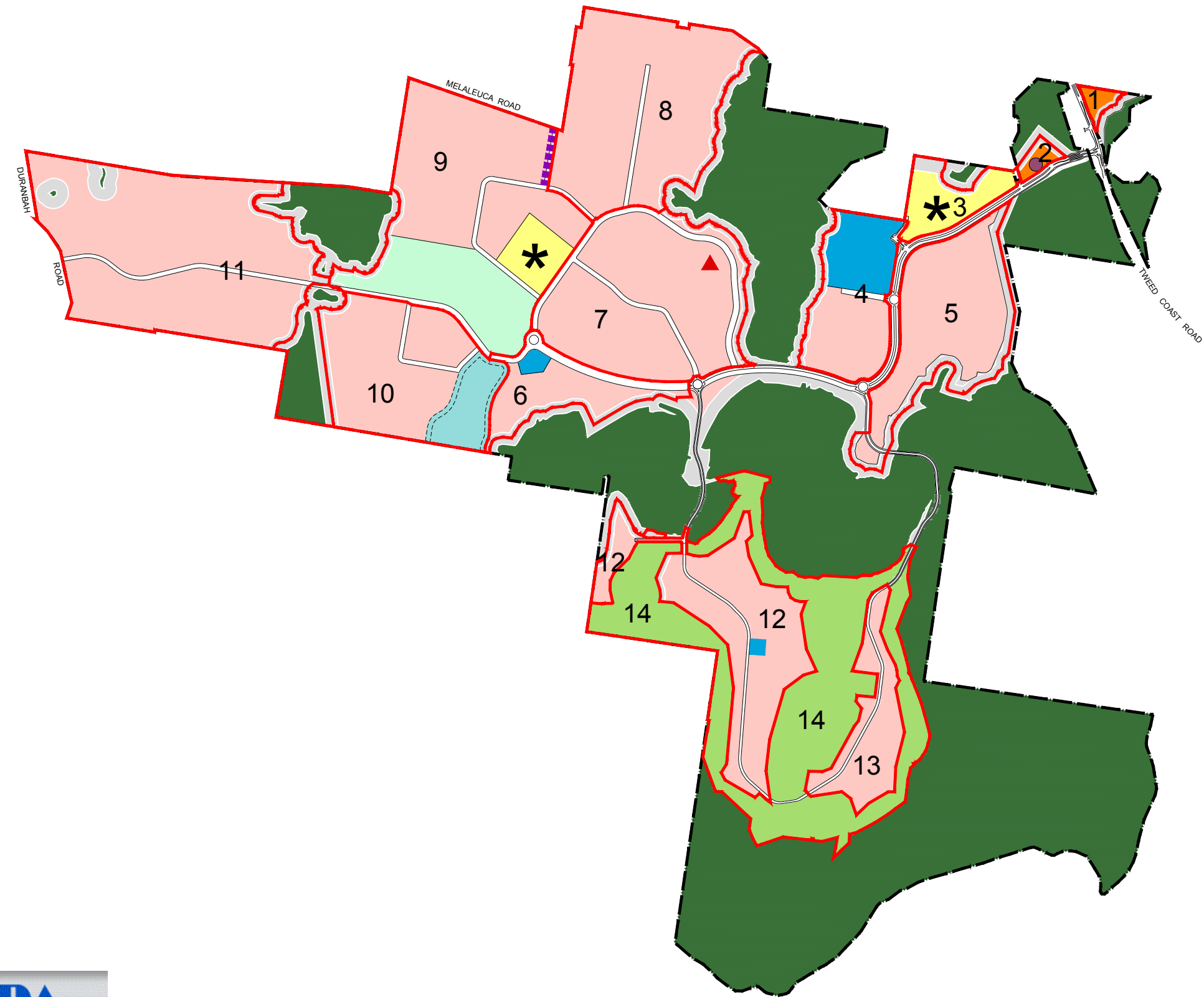
- TOWN CENTRE / NEIGHBOURHOOD CENTRE
- RESIDENTIAL
- COMMUNITY FACILITIES / EDUCATION
- EMPLOYMENT LAND
- STRUCTURED OPEN SPACE (ACTIVE)
(Passive open space to council standards, location subject to urban design).
- ENVIRONMENTAL PROTECTION AREA
TO BE DEDICATED TO COUNCIL OR NPWS
- 50m ECOLOGICAL BUFFER
(Includes APZs & Roads where approved)
- * STATE SCHOOL SITE
- PROPOSED ZONE SUBSTATION
(Subject to County Energy final approval)
- POTENTIAL ROAD CONNECTION TO MELALEUCA ROAD
- PRIVATE OPEN SPACE
- GOLF COURSE AREA
(Encompassing ecological buffers where indicated)
- PRIVATE OPEN SPACE INCLUDING LAKE

IMPORTANT NOTE
This plan was prepared as a preliminary concept plan for planning purposes only. As such all particulars, including lot design, areas and densities, are subject to detailed survey, site investigations and to the requirements of council and any other authority which may have requirements under any relevant legislation.
This note is an integral part of this plan.

200 0 200 400 600 800



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	Date 21 AUGUST 2012		No.	DETAILS	DATE	Init.			
	Surveyed -		A	REVISION	21.8.12	BJB			
	Drafted BJB		B						
	Parish CUDGEN		C						
	County ROUS		D						
SCALE: 1:20000 (A3)		E				Local Authority Tweed S.C.	DWG Ref 113691-PSP-4a(CONCEPT PLAN)	PLAN No. 01	
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- TOWN CENTRE / NEIGHBOURHOOD CENTRE
- RESIDENTIAL
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- EMPLOYMENT LAND
- STRUCTURED OPEN SPACE (ACTIVE)
(Passive open space to council standards,
location subject to urban design).
- ENVIRONMENTAL PROTECTION AREA
TO BE DEDICATED TO COUNCIL OR NPWS
- 50m ECOLOGICAL BUFFER
(Includes APZs & Roads where approved)
- STATE SCHOOL SITE
- PROPOSED ZONE SUBSTATION
(Subject to County Energy final approval)
- POTENTIAL AFFORDABLE HOUSING LOCATION
- POTENTIAL ROAD CONNECTION TO MELALEUCA ROAD
- PRIVATE OPEN SPACE
 - GOLF COURSE AREA
(Encompassing ecological buffers
where indicated)
 - PRIVATE OPEN SPACE INCLUDING LAKE

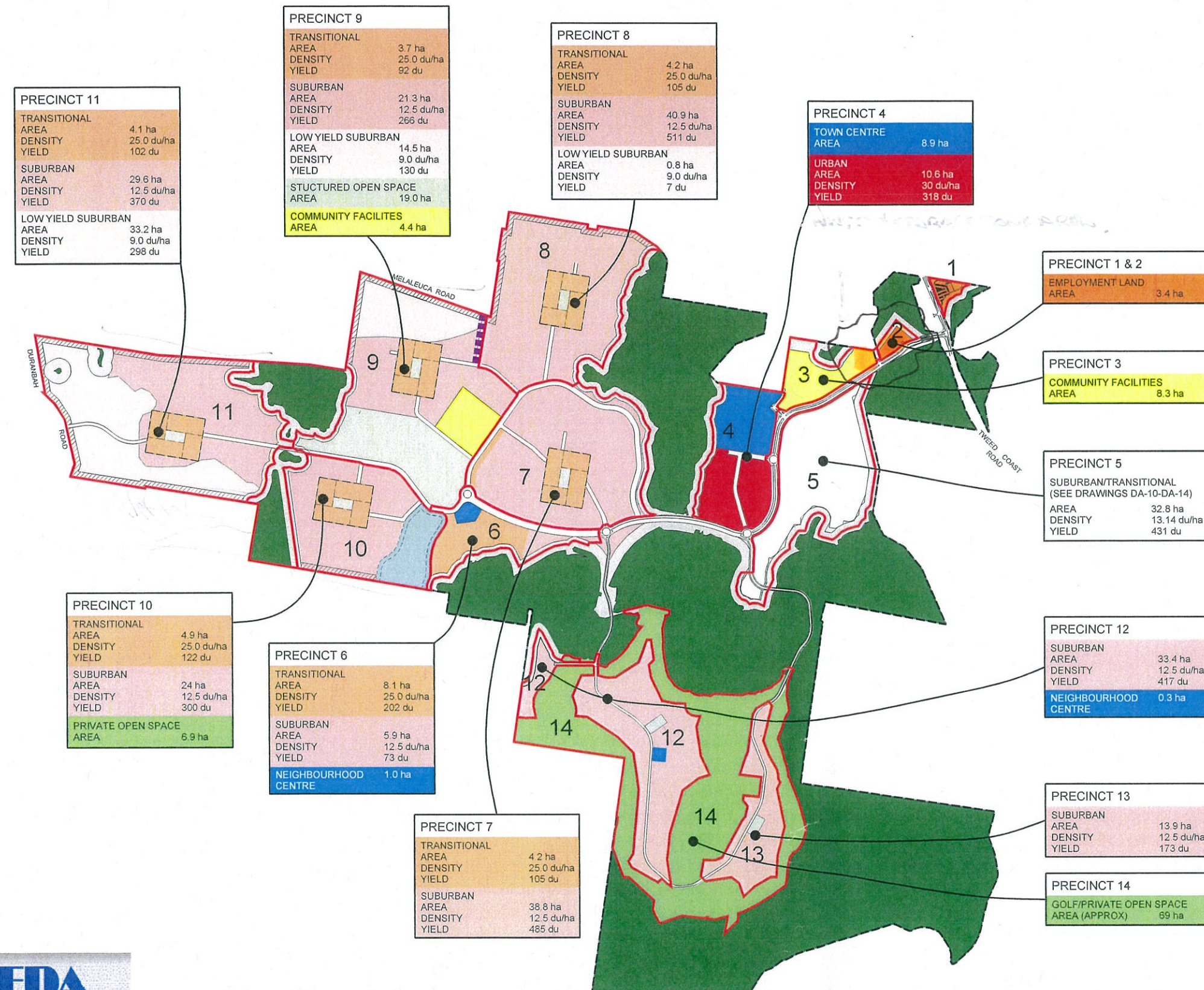
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This note is an integral part of this plan.

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	Date	21 AUGUST 2012		No.	DETAILS	DATE	Init.			
	Surveyed	-		A	REVISION	21.8.12	BJB			
	Drafted	BJB		B						
	Parish	CUDGEN		C						
	County	ROUS		D						
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YIELD SUMMARY

PRECINCT	NET DEV. AREA	INDICTIVE YIELD
1	1.5 ha	N/A
2	1.9 ha	N/A
3	8.3 ha	N/A
4	19.6 ha	318
5	32.8 ha	431 (actual)
6	14.0 ha	276
7	43.0 ha	590
8	45.9 ha	623
9	59.0 ha	488
10	36.8 ha	422
11	66.9 ha	771
12	33.7 ha	417
13	13.8 ha	173
14	69.0 ha	N/A
TOTAL	437.5 ha	4509

* Net developable area is precinct area excluding parks, distributor and connector roads but includes local access roads

■■■■ POTENTIAL ROAD CONNECTION TO MELALEUCA ROAD

IMPORTANT NOTE

This plan was prepared as a preliminary concept plan for planning purposes only. As such all particulars, including lot design, areas and densities, are subject to detailed survey, site investigations and to the requirements of council and any other authority which may have requirements under any relevant legislation. Areas, Density, Yield, Landuse shown on this plan are based on information determined from MPS Plan 2142 DA-08b dated June 2011. This note is an integral part of this plan.

LEDA



CLIENT
PROJECT 28 Pty Ltd

Date 21 AUGUST 2012
Surveyed -
Drafted BJB
Parish CUDGEN
County ROUS

PLAN

KINGS FOREST
STAGE 1 PROJECT APPLICATION

DENSITY MATRIX SUMMARY

SCALE: NOT TO SCALE

REVISIONS

No.	DETAILS	DATE	Init.
A	REVISION	21.8.12	BJB
B			
C			
D			
E			
F			
G			
I			



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Local Authority
Tweed S.C.

DWG Ref
113691-PSP-4a(DENSITY MATRIX SUMMARY)

PLAN No. 08

17 February 2017

Greg Miles
Leda Holdings Pty Ltd
Level 11
5 Hunter Street
Sydney NSW 2000

Subject: Northern Water Solutions Pty Ltd (NWS). The following Insurance Cover that NWS will provide for the Kings Forest Development Tweed Heads NSW as per section 3.3.1 of the IPART Network Operators License Application have been based on the Kings Forest Development Tweed Heads NSW Integrated Water Management Plan.

Dear Greg,

I have reviewed the Integrated Water management Plan dated October 2016 as attach and comment as follows in relation to the operational insurances .

Required Insurances

- Public and Products liability Insurance – Limit of \$200M
- Industrial Special Risks (Property) – Cover all declared physical asset's including loss of revenue for up to 24 months
- Plant equipment including heavy vehicles – level of cover to be determined at the time of operation
- Professional Indemnity – to cover any professional advice or services as part of the operational aspects of the network – minimum \$10M limit
- Environmental liability cover – to cover environmental issues that may arise as part of the operations of the network
- Workers Compensation cover to comply with state based legislation

Prior to the network becoming operational the contractor engaged to build the water network should have the following insurance in place

- Contracts works which covers the full reinstatement of the works in a total loss scenario
- Liability cover – minimum \$100M
- Professional indemnity for any design work related to the network - minimum limit \$20M

If you need clarification on any of the above please let me know.

Yours sincerely,



Ryan Gooley
Manager, Corporate



Kings Forest Estate - Drinking Water Boundary Conditions Report

For: Northern Water Solutions Pty Ltd
Developer: Project 28 Pty Ltd

Planit Engineering

Date: 20th April 2017

Document No.: J158 – RPT004 – Rev03

Document Status

Version	Document type	Reviewed by	Checked by	Date Issued
Rev 01	Report	S Robinson	A.Wells	19 December 16
Rev 02	Draft	WW	A Wells	1st January 17
Rev 03	Draft	WW	A Wells	20 th April 2017

Project Details

Project Name:	Kings Forest Estate – Drinking Water Boundary Conditions Report
Client	Northern Water Solutions Pty Ltd
Client CEO/Project Manager	Wayne Williamson
Authors	Andrew Wells
WGM Reference:	J158

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Kings Forest Development, Tweed Heads Waste Water Boundary Conditions Report

For Northern Water Solutions Pty Ltd

Developer: Project 28 Pty Ltd

Planit Engineering

Date: January 2017

Document No. J158 - RPT002 – Rev03



Document Status

Version	Document type	Reviewed by	Checked by	Date Issued
Rev 01	Report	SR	AW	19 December 2016
Rev 02	Draft	WW	AW	31 st December 2016
Rev 03	Draft	WW	AW	20 th April 2017

Project Details

Project Name:	Kings Forest Estate – Waste Water Discharge Boundary Conditions Report
Client	Northern Water Solutions Pty Ltd
Client CEO/ Project Manager	Wayne Williamson
Authors	Andrew Wells
Planit Reference:	J158-RPT002

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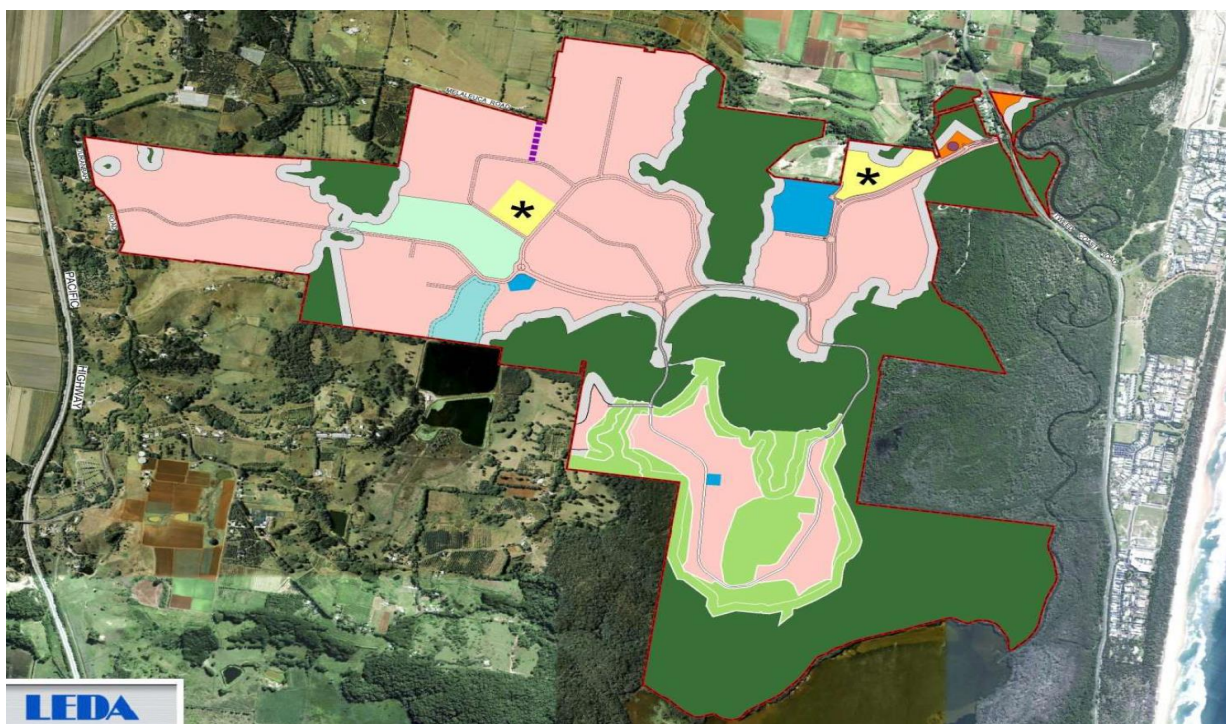
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KINGS FOREST DEVELOPMENT NSW

Integrated Water Management Plan

February 2017

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Appendix B Kings Forest Estate ET Table

Appendix C Kings Forest Process Flow Diagrams

Appendix D Kings Forest WWTP Stages A, B, C & D P&IDs

Appendix E Kings Forest Waste Water Treatment Plant Layout Plans

Appendix F Kings Forest Concept Pressure Sewer Master Plan

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1 EXECUTIVE SUMMARY

This Waste Water Treatment Plant Hazards Analyses and Risk Assessment Report has been prepared for Northern Water Solutions (NWS). The report presents the processes followed and the results for various hazard identification and assessment exercises, in order to consider the potential risks to public health and the environment from the proposed Waste Water Treatment Plant (WWTP) for a residential development at the Kings Forest Development Site owned by Project 28 Pty Ltd Developments.

As part of the hazard and risk review and assessment exercises, the NWS and Planit participants relied on the following background information regarding this project:

- Functional Specification;
- Integrated Water Management Plan (IWMP);
- Process Flow Diagrams;
- Piping and Instrumentation Diagrams;
- WWTP layout drawings;
- Instrument and equipment tag lists; and
- Related Risk Assessments for Sewerage, Drinking Water and Recycled Water systems.

The steps and tasks that formed part of the assessment of hazards and potential risks at the WWTP included the following:

- Hazard Identification (HAZID) Session Checklist;
- WWTP Hazard Identification and Risk Assessment Workshop;
- Preliminary Public Health and Environment HAZOP Minutes Sheets; and
- Review of Critical Control Points Schedule in relation to the Piping and Instrumentation Diagrams.

These documents are all included in the attached Appendices.

This report will, in turn, form reference materials attached to the final Functional Specification and the Integrated Water Management Plan, which both are key submittals accompanying the NWS IPART application.

2 HAZARD AND RISK ASSESSMENT: STEPS AND CONTENT

The following steps and content formed the core WWTP hazard and risk assessment activities for this project.

2.1 Hazard Identification (HAZID) Session Checklist

As a precursor and to inform the WWTP risk assessment workshop, NWS and PLANIT conducted a review of a broad HAZID checklist, noting relevant items and also identifying subject matter that will be addressed at later stages of the project detailed design.

2.2 WWTP Hazard Identification and Risk Assessment Workshop

Subsequent to the HAZID session, NWS and PLANIT conducted a facilitated risk assessment workshop to review in detail the potential risks the WWTP may pose to public health and the environment, as well as proposed mitigation strategies.

The likelihood and consequence of each potential risk was assessed before and after application of mitigation strategies. High risk items will receive particular attention during the detailed design, construction, commissioning, and operational phases of the project.

2.3 Preliminary Public Health and Environment HAZOP minute Sheet

PLANIT completed a preliminary HAZOP of the WWTP boundary conditions which could potentially have an impact on human health or the environment. Several nodes were analysed, and recommendations were made for possible future changes to the design and/or operation of the WWTP in order to reduce risks posed to human health and the environment.

2.4 Critical Control Points Schedule

The NWS and PLANIT team reviewed NWS' schedule of Critical Control Points and their proposed operator alarms. This review was conducted with reference to the set of Process and Instrumentation Diagrams, with a view to identifying critical instrumentation and controls alarms that would reduce the WWTP risk posed to human health and the environment.



3 RECOMMENDATIONS

The risk mitigation measures “identified” in this report be adopted to ensure that threats to Environmental and Human Health are contained at acceptable risk levels.

At the appropriate time in the overall project development phase, likely during Detailed Design and Procurement, NWS proposes to update the above-noted and attached hazard and risk assessment documents.



APPENDIX A – HAZARD IDENTIFICATION (HAZID) SESSION CHECKLIST



APPENDIX B – WWTP HAZID AND RISK ASSESSMENT WORKSHOP



APPENDIX C – PRELIMINARY PUBLIC HEALTH AND ENVIRONMENT HAZOP MINUTES SHEETS



APPENDIX D – CRITICAL CONTROL POINT SCHEDULE



APPENDIX E – PFDs; P&IDs; WWTP LAYOUT DRAWINGS

Concept Approval

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

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

- a. Under Section 75O of the Act, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- b. Under Section 75P(1)(b) of the Act, that approval to carry out the project, other than Stage 1 and any precinct subdivision application for Precincts 17-24 be subject to Part 4 of the Act; and
- c. Under Section 75P(2)(c) of the Act, that further environmental assessment be subject to the requirements set out in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

These modifications are required to:

- Encourage the orderly future development of the site;
- Ensure adequate mitigation of environmental impacts of future development;
- Ensure protection and restoration of threatened species and their habitat; and
- Maintain the amenity of the local area.



The Hon Tony Kelly MLC
Minister for Planning

Sydney,

19 AUG 2010

2010

SCHEDULE 1

PART A—TABLE

Application made by:	Project 28 Pty Ltd (a subsidiary within the Leda group of companies)
Application made to:	Minister for Planning
Project Application Number:	06_0318
On land comprising:	Kings Forest, Kingscliff Lots 76, 272, 323 & 326 in DP 755701, Lot 6 DP 875446, Lot 2 DP 819015, Lot 1 DP 706497, Lot 40 DP 7482, Lot 37A DP 13727, Lot 38A DP 13727, Lot 38B DP 13727, Lot 1 DP 129737, Lot 1 DP 781633 and Lot 7 DP 875447
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• Residential development for approximately 4500 dwellings;• Town Centre and neighbourhood centre for future retail and commercial uses;• community and education facilities;• employment land;• a golf course;• open space;• wildlife corridors;• protection and rehabilitation of environmentally sensitive land;• utility services infrastructure;• water management areas and lake; and• roads and pedestrian and bicycle paths.
Type of determination:	Concept Plan
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0318

Responsibility for other consents / agreements

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

PART C—DEFINITIONS

In this approval,

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

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

BCA means Building Code of Australia.

Council means Tweed Shire Council.

DECCW means the Department of Environment Climate Change and Water.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department or his/her nominee.

Environmental Assessment means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated 6 November 2008, including all Appendices.

KPoM means the Koala Plan of Management (2009) prepared by Dr Frank Carrick.

Minister means the Minister for Planning.

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

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

Preferred Project Report means the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated 31 August 2009.

Proponent means Project 28 Pty Ltd or any party acting upon this approval.

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

Stage 1 means development described in major project application number MP08_0194.

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

SCHEDULE 2

MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

PART A—TERMS OF CONCEPT APPROVAL

A1 *Project Description*

Concept plan approval is granted for the project as described below:

- Residential development for approximately 4500 dwellings;
- Town Centre and neighbourhood centre for future retail and commercial uses;
- Community and education facilities;
- employment land;
- a golf course;
- open space;
- wildlife corridors;
- protection and rehabilitation of environmentally sensitive land;
- utility services infrastructure;
- water management areas and lake; and
- roads, bicycle and pedestrian network.

A2 *Project in Accordance with Plans*

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

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
MPS 21 42 SK-102h		Concept Plan-Kings Forest	December 2009
1056-RD19	A	Kings Forest Cadastre Plan	December 2009
Figure 5 Revised Vegetation Management Plan		Koala Tree Planting Plan	7 August 2009
Figure 2A		Heath Regeneration and Revegetation Areas	22 March 2010
MPS 2142 SK-105f		Precinct Plan, Kings Forest	August 2009

except for:

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

A3 *Project in Accordance with Documents*

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

Environmental Assessment Documentation

- (1) Kings Forest Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants P/L, Volumes 1 and 2, October 2008.

Preferred Project Report Documentation

- (2) *Preferred Project Report* prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2 and 3, August 2009.

Additional Information

- (3) Amendments to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 5 November 2009.
- (4) Further amendment to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 9 December 2009.
- (5) Finalisation of Flood and Climate Change Impact Assessment Summary prepared by Gilbert and Sutherland P/L, December 18 2009.
- (6) Kings Forest Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants P/L, January 2010.
- (7) Kings Forest Cultural Heritage Management Plan prepared by Everick Heritage Consultants P/L, January 2010.
- (8) Letter from James Warren and Associates to the Department of Planning in relation to clarification regarding heath regeneration/revegetation areas dated 18 March 2010, including Figure 2A Heath Regeneration and Revegetation Areas.

A4 *Inconsistencies*

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

PART B—MODIFICATIONS TO THE CONCEPT PLAN

B1 Koala Plan of Management – Ongoing Review

The Koala Plan of Management, and the measures contained therein to offset the impact of the development on existing and future koala populations, shall be updated at each stage of development so that these measures remain relevant and effective and based on contemporary scientific data throughout the development of the Project the subject of this concept plan.

Each stage update shall be prepared in accordance with the requirements in C2 and subject to independent review by a suitably qualified person/s to the satisfaction of the Director-General.

B2 Annual Flora and Fauna Monitoring Report

Within 12 months of this approval, or as otherwise determined by the Director-General, the Proponent shall prepare a draft outline of an Annual Flora and Fauna Monitoring Report to the satisfaction of the Director-General. The aim of the report is to collate all monitoring and reporting requirements from relevant documents listed in A3 and to identify any required corrective actions.

A baseline Monitoring Report is to be provided prior to construction commencing. The Annual Flora and Fauna Monitoring Report shall be prepared on an annual basis from the date of commencement of construction or as otherwise determined by the Director-General.

The Annual Flora and Fauna Monitoring Report shall be prepared by a suitably qualified person/s and include but not be limited to:

- (1) The aims, objectives and methodology for the report;
- (2) Baseline monitoring data focusing on existing populations of threatened species, including Wallum frog species and koalas;
- (3) Performance criteria against which the effectiveness of the various separate management plans dealing with management of koalas, threatened species, buffers, weeds, vegetation and feral animals can be measured;
- (4) Monitoring and reporting of fauna usage within Environmental Protection zones, ecological buffers and the golf course;
- (5) Adaptive management procedures to ensure that the various separate management plans remain relevant and effective; and
- (6) Monitoring and reporting of injuries or mortalities to koalas.
- (7) Specific monitoring to measure any impact of the development on the adjacent Cudgen Nature Reserve and adaptive management procedures to ensure any impacts are minimised.

B3 Further Protection of Heathland

Further heathland is to be provided with long-term protection and allowed to naturally regenerate on the site.

The further heathland to be protected is to be that contained within the 50m ecological buffer in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 2A titled 'Heath Regeneration and Revegetation Areas' drawn James Warren and Associates and dated 22 March 2010. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.

The details of this further protection are to be submitted along with the preferred long term protection mechanism, such as land use zoning, to the satisfaction of the Director-General prior to determination of Stage 1.

B4 *East-West Wildlife Corridors*

As identified in the Koala Plan of Management, an east west wildlife corridor of up to 100 metres wide (with a minimum of 50 metres at any one point) must be established. The corridor should be established to provide for habitat and the movement of threatened native fauna that inhabit the site.

Prior to the determination of Stage 1, the Proponent shall also demonstrate the practicality or need for establishing a further east west 50 metre wide corridor along the southern boundary of the site.

The details of this modification, including regeneration/revegetation of the corridor, the preferred long term protection mechanism, and the practicality of a new southern east west corridor are to be submitted to the satisfaction of the Director-General prior to determination of Stage 1.

B5 *Kings Forest Development Code*

As identified in the Environmental Assessment, a Development Code for the site incorporating:

- (1) site-specific objectives and development controls for exempt and complying residential and commercial development;
- (2) site specific development controls relating to residential development comprising single dwellings and multi-dwelling housing that do not meet the complying development controls; and
- (3) mechanisms are to be included in the Development Code for the periodic review and amendment of the Code

is to be submitted to the satisfaction of the Director-General prior to the determination of Stage 1. The site-specific exempt and complying development controls will require the approval of the Minister pursuant to 75P(2)(d) of the *Environmental Planning and Assessment Act 1979*.

PART C— ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(2)(c) of the Act the following requirements apply with respect to future stages:

C1 *Plan of Development*

A Plan of Development must be submitted with each future application for subdivision on the site. The Plan of Development must, at a minimum, include the following information:

- (1) Location and width of Asset Protection Zones;
- (2) Level of construction required for dwellings/buildings adjacent to Asset Protection Zones in accordance with *Planning for Bushfire Protection 2006* and *Australian Standard 3959 – 1999 – Construction of Building in Bushfire Prone Areas*;
- (3) Type of development permissible on each lot, eg: zero lot housing, plex housing, etc; and
- (4) Fill and finished floor levels requirements on flood prone lots in accordance with the requirements of Tweed Shire Council's *Development Control Plan – Section A3 – Flood Liable Land* (or any replacement document).

C2 *Management Plans*

All future applications are to include stage-specific management plan updates providing where relevant details on timelines for implementation of recommended works including maintenance periods; measurable performance and completion criteria; and monitoring, reporting and adaptive management procedures (results to be provided according to B2)

Koala Plan of Management

For each stage of development an update to the KPOM shall be provided to the satisfaction of the Director-General, confirming that the measures identified and proposed in the KPOM to offset the impact of the development on existing and future Koala populations are adequate.

- (1) The update should take into account:
 - (a) contemporary data/literature on koala management;
 - (b) the results of the monitoring of management measures operating as part any approved stage/s, in accordance with B2;
 - (c) the role of additional koala habitat created in protecting koala numbers, and
 - (d) the provision of any additional koala management measures, specifically those relating to dogs.
- (2) The update should include, but not be limited to:
 - (a) the identification of dog breeds known to present a significant threat to koalas; and
 - (b) measures to effectively mitigate the threat posed to koalas by dogs. Such measures may include prohibitions/restrictions on particular breeds; limitations on the number of dogs per property; and specifications on the way dogs are to be housed from dusk to dawn.

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- (3) The update must provide stage specific detail on the following:
- (a) revegetation and rehabilitation measures;
 - (b) measures to ensure that no identified koala food trees are removed within adjacent ecological buffers or identified core koala habitat within adjacent Environmental Protection zoned land;
 - (c) all obligations regarding the keeping of dogs, including regulatory and enforcement measures;
 - (d) specific road design, lighting and signage requirements aimed at protecting koalas and maintaining their safe passage between habitat areas. These requirements shall include fencing to road verges, fauna underpasses and like measures;
 - (e) detail of procedures to be adopted in the event that koalas are sighted within construction zones or the urban areas;
 - (f) specifications for any off-leash dog exercise areas to ensure appropriate separation from koala habitat;
 - (g) the detail of the location and construction specification of dog exclusion fencing to any adjacent Environmental Protection Zones and the timing of its completion;
 - (h) the detail, content and distribution of koala education and awareness measures aimed in particular at contractors and staff engaged in construction and at future residents of that stage; and
 - (i) a protocol for the reporting of any deaths or injuries to any koala within Kings Forest including collection and recording procedures and where necessary post-mortem procedures or laboratory tests to identify the cause of death to any koala.

Vegetation Management Plan

Each Vegetation Management Plan update is to provide details on:

- (1) the short, medium and long term measures to be implemented to rehabilitate degraded areas, and manage remnant vegetation and habitat within the buffers and Environmental Protection zoned land within the site;
- (2) revegetation and regeneration including establishment of appropriate canopy (including koala feed trees), sub-canopy, understorey and ground strata;
- (3) rehabilitation of creeks and drainage lines;
- (4) conserving and re-using, where appropriate, the soil seed bank where good quality native vegetation is being removed;
- (5) collection and propagation of endemic native seed for revegetation on the site;
- (6) monitoring of water quality and vegetation health within buffers and Environmental Protection zoned land; and
- (7) the design, regeneration/revegetation and management of the east-west wildlife corridor/s.
- (8) Measurable performance criteria are to be based on appropriate reference sites within the adjacent Cudgen Nature Reserve.

Feral Animal Management Plan

Each Feral Animal Management Plan update is to provide further details on collaboration with adjoining land owners and the incorporation of measures which include shooting and baiting.

Weed Management Plan

Each Weed Management Plan update is to detail ongoing weed management measures for each relevant stage.

Buffer Management Plan

Each Buffer Management Plan update is to detail bushfire protection measures, access control, signage and fencing.

Threatened Species Management Plan

Each Threatened Species Management Plan update is to provide further details on specific habitat management measures to safeguard existing populations of the two threatened Wallum frog species that occur within the Environmental Protection zones, Ecological buffers and the golf course. These measures are to be determined with reference to contemporary scientific literature and current best practice.

Golf Course Management Plan

The Golf Course Management Plan is to demonstrate consistency with the Koala Plan of Management and the Threatened Species Management Plan.

C3 Dedication of Land to DECCW

Prior to the construction of Stage 1, or as otherwise determined by the Director-General, the Proponent must provide evidence of an agreement for the dedication by Project 28 P/L to DECCW of approximately 150 ha of land as addition to the Cudgen Nature Reserve.

Such an agreement must outline the proponent's commitment to establish boundary fences and trails satisfactory to the needs of DECCW prior to the land being added to Cudgen Nature Reserve. The proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest, weed and management plans. The funding should be sufficient to ensure actions within the amended plans relevant to the new additions are able to be completed.

C4 Affordable Housing

The proponent shall provide, with the Environmental Assessment for the project application for Stage 1, a study to determine the need for affordable housing provision for the Kings Forest Estate. The study should address the following:

- (1) The likely future demographics of the population of the Kings Forest Estate and immediate locality by household type, income, employment and tenure;
- (2) The need for affordable housing both for rental and purchase in the Kings Forest Estate and immediate locality;
- (3) A plan showing the possible location of affordable housing on the Kings Forest site in the various precincts; and,
- (4) Investigation of mechanisms for the provision of affordable housing, including any role for community housing providers or the potential use of Voluntary Planning Agreements

The proponent is to consult with Tweed Shire Council and Housing NSW - Centre for Affordable Housing in the preparation of the study.

C5 *Alignment- Kings Forest Parkway*

The alignment of the Kings Forest Parkway through the site must be designed so that it is a continuous or 'through' alignment to enforce its priority route status as a major collector/distributor road.

C6 *Traffic Assessment*

In order to ensure that necessary works to the external road network are implemented in a timely manner and to monitor and assess incremental impacts on the network, each future development application for subdivision must be accompanied by a detailed traffic assessment that addresses impacts on the broader network prepared by a suitably qualified person in accordance with the RTA's *Guide to Traffic Generating Developments*.

C7 *Road Traffic Noise Impact Assessment*

In order to determine appropriate noise attenuation requirements adjacent to the Kings Forest Parkway, a road traffic noise impact assessment must be undertaken in accordance with RTA guidelines as part of each development application. Details of noise attenuation measures (buffers, mounds, acoustic walls, construction standards) are to be provided as part of each development application.

C8 *Traffic and Wildlife Protection Measures*

All future development applications are to demonstrate that:

- (1) Provision has been made to maintain the safe passage of wildlife between habitat areas through specific road design, lighting and signage requirements and, where considered appropriate, fencing to road verges, fauna underpasses and like measures; and
- (2) Road crossings of waterways maintain existing fish passage.

C9 *Restrictions on Cats*

The future development applications must demonstrate that the keeping of cats within the Kings Forest site shall be totally prohibited and that all residential lots are to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

C10 *Acid Sulfate Soils and Groundwater Assessment*

In order to ensure the protection of groundwater quality and the water quality of surrounding surface waters, a detailed acid sulphate soils (ASS) assessment and ASS Management Plan (ASSMP) addressing groundwater and acid sulphate soils prepared by a suitably qualified person must be submitted with the each development application for subdivision. The assessment must be carried out in accordance with the ASSMAC Guidelines (1988) and must include the following, as a minimum:

- (1) A plan showing the locations of all monitoring and test points (boreholes, test pits, wells/groundwater sampling, soils sampling, surface water sampling, monosulphides sampling etc);
- (2) Plots of water level and quality with time;
- (3) Spatial and depth distribution of ASS soils, corrected to include TAA plus oxidisable sulphur, and using the ASSMAC recommended action level (>18 mols H⁺/t) for the site;
- (4) Typical treatment levels/distribution of AASS and PASS soils on site (where investigated), to current/correct standards; and,

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- (5) A detailed ASSMP with actions for determining ASS conditions ahead of excavation, handling of groundwater levels and quality, detailed management procedures for surface waters and flood routing, interaction (short and long term) of the groundwater with surface water in order to prevent the formation of monosulfides, materials evaluation and handling, materials balance, stockpile treatment, validation testing, monitoring systems with trigger levels, contingency actions, protection for structural elements, evaluation of off-site impacts etc.

C11 *Stormwater Management and Water Quality Monitoring*

All future development applications for subdivision are to submit a detailed stormwater management plan prepared by a suitably qualified person. The Stormwater Management Plan must address and outline measures based on Water Sensitive Urban Design Principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sediment controls at construction and operational stages.

Each plan is to include a detailed design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system must be submitted with each development application for subdivision. MUSIC modelling must be undertaken to demonstrate appropriate water quality objectives are being achieved.

All future applications for each stage of development are to demonstrate, through the provision of monitoring and adaptive management plans and commitments, that any proposed surface water/stormwater pollution reduction devices will be monitored to determine their pollutant removal efficiencies and the need for further treatment of drainage to ensure the preservation of water quality in Cudgen Creek and Blacks Creek.

C12 *Constructed Lakes/Wetlands*

In order to ensure the protection of groundwater quality and the surface water quality, a detailed water resource management plan prepared by a suitably qualified person must be submitted with any development application that includes construction of lakes or wetlands. The plan is to address the management of groundwater, acid sulphate soils and water quality for any constructed lake or wetland. The management plan is to be submitted to the satisfaction of the Director-General following consultation with the NSW Office of Water and the Council.

C13 *Geotechnical Assessments*

In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future development application for subdivision. The assessments must, at a minimum, include the following:

- (1) A geotechnical map of the site clearly showing ground surface contours, geotechnical engineering soil types and geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. That map should be occupied by an explanatory text describing the nature and delineation of soil types and hazard types. The map and text should be prepared by a suitably experienced geotechnical practitioner.
- (2) A synthesis site plan clearly showing ground surface contours and the locations of all test pits, boreholes and monitoring wells drilled on the site to date.

Any hillside construction must be in accordance with *Some Guidelines for Hillside Construction and Practice*, Appendix G of Landside Risk Management by Australian Geomechanics 2002.

C14 *Bushfire Assessment*

In order to ensure the protection of property and assets, a detailed bushfire assessment and management plan prepared by a suitably qualified person must be submitted with each future development application for subdivision. The assessment must, at a minimum, demonstrate consistency with the requirements of *Planning for Bushfire Protection 2006*. All asset protection zones must be clearly specified on the Plan of Development and all affected lots are to be encumbered with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

C15 *Open Space*

All future applications for each stage of development are to demonstrate the provision of an adequate area of active and passive open space areas. A detailed Open Space Network Plan is to be provided demonstrating open space provision in accordance with Council's minimum requirements.

C16 *Provision of Land for Emergency Services*

Each future development application must investigate and report on the accommodation of appropriate facilities for the NSW Ambulance Service, NSW Police and the NSW Fire Service.

C17 *Further Threatened Flora Surveys*

As per the Revised Threatened Species Management Plan further surveys are required for: Square Stemmed Spike Rush with development applications relating to precincts 13, 14 and 16.

Surveys are to be undertaken during the appropriate season. Procedures for the protection and management of any newly identified occurrences of this species are to be in accordance with the Recovery Plan for this species and are to be detailed within the Vegetation Management Plan.

C18 *Landscaping*

Prior to the transfer of any land to Council, Council is to be satisfied that landscaping is in accordance with Council's public open space landscape guidelines and standards.

C19 *Cultural Heritage Management Plan*

All future applications for each stage of development are to demonstrate the implementation of the recommendations of the Cultural Heritage Management Plan, including the requirement for site specific management strategies for each of the identified sites of cultural heritage significance as they relate to the area of the development application.

C20 *Development within Ecological and Agricultural buffers*

All future development applications proposing development within either the ecological or the agricultural buffer must demonstrate that, as relevant, clauses 7 or 8 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* have been adequately addressed.

C21 *Bus Network*

All future applications for each stage of development are to ensure the adequate provision of public transport through the provision of a bus network implementation plan.

C22 *Groundwater*

All future applications for each stage of development are to demonstrate that where the use of groundwater is proposed or where the watertable is proposed to be intercepted impacts on groundwater have been assessed. A Site Water Management Plan and a Groundwater Management and Monitoring Plan are to be submitted to the satisfaction of the Council following consultation with the NSW Office of Water.

Baseline groundwater monitoring, conducted for 12 months, prior to any approval for future applications will be required.

C23 *Housing Densities*

All future applications for each stage of development are to provide a plan which:

- (1) Details the mix of densities in each precinct;
- (2) Demonstrates adoption of the neighbourhood planning principles in the Far North Coast Regional Strategy;
- (3) Details the objectives for the location of housing of various densities;
- (4) Details the proposed number and size of dwellings in each stage and precinct;
- (5) Details sites for seniors housing and support facilities;
- (6) Demonstrates the implementation of the levels of accommodation provided for in the approved concept plan;
- (7) Details sites for higher density development; and
- (8) Details discussions with Tweed Shire Council.

C24 *Flooding*

All future applications for each stage of development are to incorporate any re-calibrations of the Tweed Shire Council flood model.

A preliminary development landform for the entire Kings Forest site is to be provided with the Environmental Assessment for Stage 1 to allow comprehensive flood modelling to be carried out, but not in such a way as to preclude necessary modifications to land forms in subsequent stages of development.

C25 *Overall Water Management Plan*

All future applications for each stage of development are to provide an overall water management plan, integrating any discrete water, stormwater, groundwater and Acid Sulfate Soil management plans.

SCHEDULE 3

STATEMENT OF COMMITMENTS

5.0 Final Statement of Commitments

In response to submissions received and amendments to the Concept Plan, the proponent has amended and finalised its Statement of Commitments. In accordance with Part 3A of the EP&A Act the following are the commitments made by Project 28 to manage and minimise potential impacts arising from the Kings Forest development.

5.1 Biodiversity

1. Project 28 commits to preparing detailed site-specific assessments and management plans in relation to the following matters. The detailed actions prescribed in the site specific management plans will be in accordance with the principles established in the following management plans attached to the PPR:
 - Buffer Management Plan (**Attachment G**);
 - Revised Vegetation Management Plan (**Attachment J**);
 - Revised Threatened Species Management Plan (**Attachment K**);
 - Revised Feral Animal Management Plan (**Attachment H**); and
 - Revised Weed Management Plan (**Attachment I**).
2. Project 28 commits to implementing the actions and recommendations, including associated timeframes and performance monitoring arrangements, set out in the Koala Plan of Management (see **Attachment L**).
3. In relation to the proposed rezoning of land at Kings Forest Project 28 commits to:
 - Restoring the habitat of the Bush Stone-curlew in accordance with recommendations in the Revised Threatened Species Management Plan (see **Attachment K**).
 - Regenerating the heathland in the grassland community within the revised 7(l) zone south of Depot Road (Area 2) to compensate for the loss of regrowth heath for the new road alignment.
 - Rehabilitating all land proposed for rezoning as Environmental Protection in accordance with the Revised Vegetation Management Plan (see **Attachment K**).

5.2 Golf Course Management

4. The proponent will implement the actions in the Golf Course Management Plan (**Appendix F** to the EAR) and submit an Addendum to the plan with the project application for the bulk earthworks for the proposed golf course. The addendum will adopt the recommendations of the E-Par report (**Attachment M**) and relevant elements of the management plans referred to above.

5.3 Soils and Geotechnical Conditions

5. In relation to managing the acid sulphate soils on the site, Project 28 will:
 - Undertake detailed site specific ASS investigations (including additional soil sampling) in support of future project applications in accordance with the NSW ASSMAC Guidelines and AS1726.
 - Prepare Acid Sulphate Soils Management Plans to accompany future project applications for each stage of development.

6. Project 28 will undertake detailed site specific geotechnical assessments (including additional drilling) in support of future project applications in accordance with AS1726:1993 Geotechnical Site Investigations.

5.4 Contamination

7. Project 28 will undertake Stage 2 contamination investigations to accompany future project applications for areas of known potential contamination, including lands previously used for sugar cane and banana plantations and as a cattle dip. Where required, Remediation Action Plan(s) will be prepared in accordance with NSW State government requirements.

5.5 Water Management

8. In support of future project applications for each stage of development, Project 28 will:
 - Prepare detailed Integrated Water Cycle Management Plans - on a catchment by catchment basis – to address rainwater harvesting, stormwater quality treatment, stormwater quantity management and groundwater recharge.
 - Undertake on a site specific basis detailed groundwater assessments and prepare detailed Groundwater Management Plans in accordance with DWE requirements.
9. Project 28 will consult with the Department of Water and Energy with respect to the design, licensing and use of harvestable water rights, and surface water and ground water management strategies generally, including the monitoring of these resources. Any required water licenses will be the subject of applications to the DWE, after investigation into the licensing of the existing bore network.
10. Project 28 will provide DWE with further information on the water quality and management of ASS at Turners Quarry Lake for assessment, in support of the incorporating the lake into the Concept Plan.

5.6 Flooding and Climate Change

11. Project 28 will prepare a comprehensive flood assessment of the site for the first project application for Kings Forest. The flood assessment will determine the flood planning level for the site.

5.7 Heritage

12. The proponent will finalise the Cultural Heritage Management Plan in consultation with the traditional owners after completion of archaeological excavations and analysis of findings. This Management Plan will be submitted to the Department of Planning for approval prior to its consideration of the first project application.

5.8 Bushfire Management

13. Project 28 will manage bushfire risk in accordance with the requirements in *Planning for Bushfire Protection 2006*.

5.9 Traffic and Access

14. Project 28 commits to the following measures in relation to traffic, access and public transport:

- Implementing with the first stage of subdivision, and in accordance with Tweed Shire Council requirements, the road network proposed in the Concept Plan
- Constructing a new intersection at Tweed Coast Road and the proposed Kings Forest Parkway before completion of works in relation to the first stage of subdivision.
- Designing all roads, intersections, pedestrian and cycle ways, and bus shelters to meet Tweed Shire Council requirements.
- Designing and constructing water crossings to meet the requirements of the Department of Primary Industries.

5.10 Emergency Services

15. The proponent will make provision for sites to accommodate, if required, the NSW Ambulance Service, the Police and the NSW Fire Service.

5.11 Dedication of Lands

16. Project 28 will negotiate with DECC the timing, process and conditions of the dedication to the National Parks and Wildlife Service of approximately 150 hectares of the Kings Forest land adjacent to the Cudgen Paddock.

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the modification of the Concept Plan referred to in Schedule 1, subject to the conditions in Schedule 2.



Garry West
Member of the Commission

Sydney



Jan Murrell
Member of the Commission

20 November 2014

SCHEDULE 1

Concept Approval:

06_0318 granted by the Minister for Planning and Infrastructure on 19 August 2010, as modified on 22 December 2010 MOD 1, 11 August 2013 MOD 2, 16 May 2014 MOD 3.

Proponent:

Project 28 Pty Ltd

For the following:

Residential subdivision, Kings Forest, Tweed Local Government Area.

Modification:

06_0318 Modification 4 involving:

- Minor amendments to the definitions;
- Amendments to the approved Concept Plan drawings (term A2);
- Amendments to the terms B5, B7, C3 and C29 to reflect amended definitions;
- Amendments to the resolution of disputes and the Secretary as moderator; and
- Amendments to term C30 relating to provision of affordable housing being subject to funding arrangements.

SCHEDULE 2

The above approval is modified as follows:

1. Delete the following definitions in Schedule 1:

Land to be dedicated to Council in the Future;
Council Dedicated Land Plan;
Director-General; and
Offset Area.

And insert the following definitions in Schedule 1 in alphabetical order:

Future OEH Land

means the land identified in the "Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development" prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C. Note: the dedicated lands may be used as an offset for biodiversity impacts in accordance with the policy applicable from time to time under which offsets for such impacts are assessed.

Potential Council Land Plan

means the plan 'Potential Council Land Plan with Work Areas', prepared by Landsurv dated 6 December 2013, Revision E, as amended in accordance with condition B5.

Potential Council Land

means the lands identified as 'Potential Council Land' on the Potential Council Land Plan.

Secretary

means the Secretary of the Department of Planning and Environment or his/her nominee.

2. Replace all references to 'Director-General' in Schedule 2 with 'Secretary'.

3. In term A2 in Schedule 2 replace Drawing No. 01, 04 and 05 with the following:

A2 Project in Accordance with Plans

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

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
01	B	Revised Concept Plan	5 December 2013
04	B	Revised Precinct Plan	5 December 2013
05	B	Revised Open Space Network	5 December 2013

4. Replace term B5 in Schedule 2 with the following:

B5 Dedication of Land to Tweed Shire Council

- 1) The Potential Council Land Plan shall be amended to identify each precinct (as shown in term A2, Drawing No. 4 Revised Precinct Plan (Rev B)) and the

associated land to be dedicated to the Council for each precinct. The amended plan is to include a reconciliation table showing each precinct and the corresponding land to be dedicated to the Council. The Potential Council Land Plan shall be amended such that the extent of lands to be dedicated should include any environmental protection areas adjacent to the proposed stage extending to where such areas are intersected by any approved road alignment or adjoin environmental buffers to adjacent stages.

- 2) The amended Potential Council Land Plan shall be reviewed by Council and submitted to the Secretary for approval prior to the issue of the first construction certificate for the project.

Note: If no agreement is reached the Potential Council Land will not be dedicated to Council and term B7 will continue to apply.

5. Replace term B7 1) in Schedule 2 with the following:

B7 Implementation of Environmental Management Plans

- 1) The proponent is responsible for the management of all Potential Council Land and the Future OEH Land for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans from the date of the commencement of the project or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

6. Replace term B8 in Schedule 2 with the following:

B8 Dispute Resolution

In the event that a dispute arises between the proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter may be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the EP&A Act.

7. Replace term C3 in Schedule 2 with the following:

C3 Dedication of Land to OEH

Prior to the release of the first subdivision certificate for the project, or as otherwise determined by the Secretary (at the request of the Proponent), the Proponent must provide evidence of an agreement for the dedication by Project 28 Pty Ltd to the OEH of the Future OEH Land being no less than approximately 150ha of land as addition to the Cudgen Nature Reserve.

Such an agreement must outline the proponent's commitment to establish boundary fences and trails to the satisfaction of the OEH prior to the Future OEH Land being added to Cudgen Nature Reserve. The Proponent must ensure suitable funding for the amendment of existing reserve specific fire,

pest, weed and management plans. The funding should be sufficient to ensure actions within the amended plans relevant to the new additions are able to be completed.

8. Replace term C29 in Schedule 2 with the following:

C29 Dedication of Land to Tweed Shire Council

All future development applications for subdivision shall provide details of the Potential Council Land as is relevant to the application concerned in accordance with condition B5 of this approval.

9. Replace term C30 in Schedule 2 with the following:

C30 Affordable Housing

The development application for subdivision of Precinct 7 shall provide details of how affordable housing will be provided within this precinct, in accordance with the recommendations of the Kings Forest Affordable Housing Study, Prepared for Project 28 Pty Ltd, dated December 2010 and the Preferred Project Report dated October 2012.

END OF SECTION

Notice of Modification

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Acting Director
Regional Assessments

Sydney 10 November 2015

SCHEDULE 1

Concept Approval: 06_0318 granted by the Minister for Planning on 19 August 2010

For the following: Concept Plan including:

- Residential development for approximately 4500 dwellings;
- Town Centre and neighbourhood centre for future retail and commercial uses;
- community and educational facilities;
- employment land;
- a gold course;
- open space;
- wildlife corridors;
- protection and rehabilitation of environmentally sensitive land;
- utility services infrastructure;
- water management areas and lake; and
- roads and pedestrian and bicycle paths.

Applicant: Project 28 Pty Ltd

Consent Authority: Minister for Planning

The Land: Kings Forest, Kingscliff

Lots 76, 272, 323 & 326 in DP 755701, Lot 6 DP 875446, Lot 2 DP 819015, Lot 1 DP 706497, Lot 40 DP 7482, Lot 37A DP 13727, Lot 38A DP 13727, Lot 38B DP 13727, Lot 1 DP 129737, Lot 1 DP 781633 and Lot 7 DP 875447, Lot 2 DP 1159231 (closed road), Lot 1 DP 1178256 (closed road) and Lots 1, 2 & 3 DP 1157616 (closed road)

Modification:

MP 06_0318 MOD5: the modification includes:

- amendment to the Kings Forest Development Code, including:
 - a) the inclusion of 'food and drink premises' (with the exception of a 'pub' or 'small bar') within the employment lands land-uses;
 - b) amendment of the definition of 'food and drink premises';
 - c) insertion of a definition for 'small bar';
 - d) amendments to address the requirements of Modification B6; and
- deletion of Modification B6 and amend of Term of Concept Approval A3.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Terms of Concept Approval Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

A3 Project in Accordance with Documents

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

Environmental Assessment Documentation

- (1) Kings Forest Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants P/L, Volumes 1 and 2, October 2008.

Preferred Project Report Documentation

- (2) Preferred Project Report prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2 and 3, August 2009.

Additional Information

- (3) Amendments to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 5 November 2009.
- (4) Further amendment to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 9 December 2009.
- (5) Finalisation of Flood and Climate Change Impact Assessment Summary prepared by Gilbert and Sutherland P/L, December 18 2009.
- (6) Kings Forest Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants P/L, January 2010.
- (7) Kings Forest Cultural Heritage Management Plan prepared by Everick Heritage Consultants P/L, January 2010.

- (8) Letter from James Warren and Associates to the Department of Planning in relation to clarification regarding heath regeneration/revegetation areas dated 18 March 2010, including Figure 2A Heath Regeneration and Revegetation Areas.
 - (9) ~~Kings Forest Development Code as amended by condition B6~~ **Version 1.3 submitted with MP06 0318 MOD 5.**
 - (10) Project Application Environmental Assessment Report, Kings Forest Stage 1 Subdivision and Bulk Earthworks (MP08_0194), prepared by JBA Planning dated November 2011.
 - (11) Preferred Project Report, Major Project Application No. 08_0194 Kings Forest, Stage 1 Subdivision and Bulk Earthworks Tweed Shire, prepared by Darryl Anderson Consulting Pty Ltd dated October 2012
- (b) Schedule 2 Part B – Modifications to the Concept Plan is amended by deleting the following Condition B6

~~B6 Kings Forest Development Code~~

~~The Kings Forest Development Code dated 2012 submitted with the proponent's PPR dated October 2012 is modified as follows:~~

- ~~1) Part A, Schedule 1

 - ~~a. Part 2.1.15 is amended to be consistent with Clause 4A.1 of SEPP (Exempt and Complying Development Codes) 2008~~
 - ~~b. Part 2.1.72 is amended to be consistent with clause 2.70 of SEPP (Exempt and Complying Development Codes) 2008 2)~~~~
- ~~2) Part A, Schedule 2

 - ~~a. Part 2.2.1(ac) is amended to be consistent with clause 3.36B of SEPP (Exempt and Complying Development Codes) 2008 3)~~~~
- ~~3) Part B, Section 5.4

 - ~~a. Control 10 - The addition of the words "or public footway" is not approved 4)~~~~
- ~~4) Part B Section 5.6

 - ~~a. Control 1(a) - The deletion of Control 1(a) is not approved~~
 - ~~b. Control 1(b) - Delete Control 1(b) and replaced with new Control 1(b) as follows:~~
 - ~~(b) A notation that development on the dwellings/buildings adjacent to Asset Protection Zones is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas~~
 - ~~c. Control 1(j) - The deletion of the words "dwellings per lot" is not approved. Immediately after the words "dwellings per lot" in Control 1(j), insert the words "and bedrooms per dwelling"~~~~

~~The revised Development Code is to be submitted to the satisfaction of the Director-General within 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth Environment Protection and Biodiversity Conservation Act or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project whichever occurs first.~~

End of Modification

**Kings Forest Concept Plan 06_0318
Consolidated Consent For Information**

[AS MODIFIED BY MOD 1 - 22 DECEMBER 2010]

SCHEDULE 1

PART A—TABLE

Application made by:	Project 28 Pty Ltd (a subsidiary within the Leda group of companies)
Application made to:	Minister for Planning
Project Application Number:	06_0318
On land comprising:	Kings Forest, Kingscliff Lots 76, 272, 323 & 326 in DP 755701, Lot 6 DP 875446, Lot 2 DP 819015, Lot 1 DP 706497, Lot 40 DP 7482, Lot 37A DP 13727, Lot 38A DP 13727, Lot 38B DP 13727, Lot 1 DP 129737, Lot 1 DP 781633 and Lot 7 DP 875447
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• Residential development for approximately 4500 dwellings;• Town Centre and neighbourhood centre for future retail and commercial uses;• community and education facilities;• employment land;• a golf course;• open space;• wildlife corridors;• protection and rehabilitation of environmentally sensitive land;• utility services infrastructure;• water management areas and lake; and• roads and pedestrian and bicycle paths.
Type of determination:	Concept Plan
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0318

Responsibility for other consents / agreements

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

PART C—DEFINITIONS

In this approval,

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

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

BCA means Building Code of Australia.

Council means Tweed Shire Council.

DECCW means the Department of Environment Climate Change and Water.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department or his/her nominee.

Environmental Assessment means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated 6 November 2008, including all Appendices.

KPoM means the Koala Plan of Management (2009) prepared by Dr Frank Carrick.

Minister means the Minister for Planning.

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

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

Preferred Project Report means the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated 31 August 2009.

Proponent means Project 28 Pty Ltd or any party acting upon this approval.

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

Stage 1 means development described in major project application number MP08_0194.

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

SCHEDULE 2

MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

PART A—TERMS OF CONCEPT APPROVAL

A1 *Project Description*

Concept plan approval is granted for the project as described below:

- Residential development for approximately 4500 dwellings;
- Town Centre and neighbourhood centre for future retail and commercial uses;
- Community and education facilities;
- employment land;
- a golf course;
- open space;
- wildlife corridors;
- protection and rehabilitation of environmentally sensitive land;
- utility services infrastructure;
- water management areas and lake; and
- roads, bicycle and pedestrian network.

A2 *Project in Accordance with Plans*

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

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
MPS 21 42 SK-102h		Concept Plan-Kings Forest	December 2009
1056-RD19	A	Kings Forest Cadastre Plan	December 2009
Figure 5 Revised Vegetation Management Plan		Koala Tree Planting Plan	7 August 2009
Figure 2A		Heath Regeneration and Revegetation Areas	22 March 2010
MPS 2142 SK-105f		Precinct Plan, Kings Forest	August 2009

except for:

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

A3 *Project in Accordance with Documents*

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

Environmental Assessment Documentation

- (1) Kings Forest Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants P/L, Volumes 1 and 2, October 2008.

Preferred Project Report Documentation

- (2) *Preferred Project Report* prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2 and 3, August 2009.

Additional Information

- (3) Amendments to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 5 November 2009.
- (4) Further amendment to the Kings Forest Concept Plan Preferred Project Report prepared by JBA Urban Planning Consultants P/L, 9 December 2009.
- (5) Finalisation of Flood and Climate Change Impact Assessment Summary prepared by Gilbert and Sutherland P/L, December 18 2009.
- (6) Kings Forest Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants P/L, January 2010.
- (7) Kings Forest Cultural Heritage Management Plan prepared by Everick Heritage Consultants P/L, January 2010.
- (8) Letter from James Warren and Associates to the Department of Planning in relation to clarification regarding heath regeneration/revegetation areas dated 18 March 2010, including Figure 2A Heath Regeneration and Revegetation Areas.

(9) Kings Forest Development Code

A4 *Inconsistencies*

- (1) In the event of any inconsistency between:

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

- (2) If there is any inconsistency between this concept plan approval and any project approval or development consent, this concept plan approval shall prevail to the extent of the inconsistency.

PART B—MODIFICATIONS TO THE CONCEPT PLAN

B1 Koala Plan of Management – Ongoing Review

The Koala Plan of Management, and the measures contained therein to offset the impact of the development on existing and future koala populations, shall be updated at each stage of development so that these measures remain relevant and effective and based on contemporary scientific data throughout the development of the Project the subject of this concept plan.

Each stage update shall be prepared in accordance with the requirements in C2 and subject to independent review by a suitably qualified person/s to the satisfaction of the Director-General.

B2 Annual Flora and Fauna Monitoring Report

~~Within 12 months of this approval, or as otherwise determined by the Director-General, the Proponent shall prepare a draft outline of an Annual Flora and Fauna Monitoring Report to the satisfaction of the Director-General. The aim of the report is to collate all monitoring and reporting requirements from relevant documents listed in A3 and to identify any required corrective actions.~~

~~A baseline Monitoring Report is to be provided prior to construction commencing. The Annual Flora and Fauna Monitoring Report shall be prepared on an annual basis from the date of commencement of construction or as otherwise determined by the Director-General.~~

~~The Annual Flora and Fauna Monitoring Report shall be prepared by a suitably qualified person/s and include but not be limited to:~~

- ~~(1) The aims, objectives and methodology for the report;~~
- ~~(2) Baseline monitoring data focusing on existing populations of threatened species, including Wallum frog species and koalas;~~
- ~~(3) Performance criteria against which the effectiveness of the various separate management plans dealing with management of koalas, threatened species, buffers, weeds, vegetation and feral animals can be measured;~~
- ~~(4) Monitoring and reporting of fauna usage within Environmental Protection zones, ecological buffers and the golf course;~~
- ~~(5) Adaptive management procedures to ensure that the various separate management plans remain relevant and effective; and~~
- ~~(6) Monitoring and reporting of injuries or mortalities to koalas.~~
- ~~(7) Specific monitoring to measure any impact of the development on the adjacent Cudgen Nature Reserve and adaptive management procedures to ensure any impacts are minimised.~~

~~Within 12 months of this approval, or as otherwise determined by the Director-General, the Proponent shall prepare a draft outline of a Flora and Fauna Monitoring Report to the satisfaction of the Director-General. The aim of the report is to collate and synthesise all monitoring and reporting requirements contained in the documents listed in A3.~~

~~The draft outline of the Flora and Fauna Monitoring Report shall set out the proposed timeframe and duration for ongoing monitoring with reference to locations within Kings Forest, stages of development and the specific issues listed below.~~

The Flora and Fauna Monitoring Report shall be prepared by a suitably qualified person/s and include, but not be limited to:

- (1) Aims, objectives and methodology for monitoring and reporting;
- (2) Baseline monitoring data focusing on existing populations of threatened species, including Wallum frog species and koalas;
- (3) Performance criteria against which the effectiveness of the various separate management plans required as part of this approval dealing with koalas, threatened species, buffers, weeds, vegetation and feral animals can be measured. Relevant benchmark reference vegetation communities are to be nominated from within surrounding conservation estates;
- (4) Actual performance against the above criteria;
- (5) Any required corrective actions;
- (6) Monitoring and reporting of fauna usage within the Environmental Protection zones, ecological buffers and the golf course;
- (7) Adaptive management procedures to ensure that the various separate management plans remain relevant and effective;
- (8) Monitoring and reporting of koala injury and mortality; and
- (9) Specific monitoring to measure any impact of the development on the adjacent Cudgen Nature Reserve and adaptive management procedures to ensure impacts are minimised.

The Monitoring Reports are to be provided to the Department of Planning, DECCW, Tweed Shire Council and Industry and Investment - Fisheries.

B3 *Further Protection of Heathland*

Further heathland is to be provided with long-term protection and allowed to naturally regenerate on the site.

The further heathland to be protected is to be that contained within the 50m ecological buffer in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 2A titled 'Heath Regeneration and Revegetation Areas' drawn James Warren and Associates and dated 22 March 2010. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.

The details of this further protection are to be submitted along with the preferred long term protection mechanism, such as land use zoning, to the satisfaction of the Director-General prior to determination of Stage 1.

B4 *East-West Wildlife Corridors*

As identified in Koala Plan of Management, an east west wildlife corridor of up to 100 metres wide (with a minimum of 50 metres at any one point) must be established. The corridor should be established to provide for habitat and the movement of threatened native fauna that inhabit the site.

Prior to the determination of Stage 1, the Proponent shall also demonstrate the practicality or need for establishing a further east west 50 metre wide corridor along the southern boundary of the site.

The details of this modification, including regeneration/revegetation of the corridor, the preferred long term protection mechanism, and the practicality of a new southern east west

corridor are to be submitted to the satisfaction of the Director-General prior to determination of Stage 1.

B5 ***~~Kings Forest Development Code~~***

~~As identified in the Environmental Assessment, a Development Code for the site incorporating:~~

- ~~(1) site-specific objectives and development controls for exempt and complying residential and commercial development;~~
- ~~(2) site specific development controls relating to residential development comprising single dwellings and multi-dwelling housing that do not meet the complying development controls; and~~
- ~~(3) mechanisms are to be included in the Development Code for the periodic review and amendment of the Code~~

~~is to be submitted to the satisfaction of the Director-General prior to the determination of Stage 1. The site-specific exempt and complying development controls will require the approval of the Minister pursuant to 75P(2)(d) of the *Environmental Planning and Assessment Act 1979*.~~

PART C— ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(2)(c) of the Act the following requirements apply with respect to future stages:

C1 *Plan of Development*

A Plan of Development must be submitted with each future application for subdivision on the site. The Plan of Development must, at a minimum, include the following information:

- (1) Location and width of Asset Protection Zones;
- (2) Level of construction required for dwellings/buildings adjacent to Asset Protection Zones in accordance with *Planning for Bushfire Protection 2006* and *Australian Standard 3959 – 1999 – Construction of Building in Bushfire Prone Areas*;
- (3) Type of development permissible on each lot, eg: zero lot housing, plex housing, etc; and
- (4) Fill and finished floor levels requirements on flood prone lots in accordance with the requirements of Tweed Shire Council's *Development Control Plan – Section A3 – Flood Liable Land* (or any replacement document).
- (5) All other matters specified for subdivision in the Kings Forest Development Code.

C2 *Management Plans*

~~All future applications are to include stage-specific management plan updates providing where relevant details on timelines for implementation of recommended works including maintenance periods; measurable performance and completion criteria; and monitoring, reporting and adaptive management procedures (results to be provided according to B2)~~

All future applications are to include, where relevant, stage-specific management plan updates providing where relevant details on timelines for implementation of recommended works including maintenance periods and measurable performance and completion criteria. Each plan is to consider all other existing plans for the site to ensure management strategies do not conflict and that each plan can be implemented without negatively impacting on the objectives of another.

Koala Plan of Management

For each stage of development an update to the KPoM shall be provided to the satisfaction of the Director-General, confirming that the measures identified and proposed in the KPoM to offset the impact of the development on existing and future Koala populations are adequate.

- (1) The update should take into account:
 - (a) contemporary data/literature on koala management;
 - (b) the results of the monitoring of management measures operating as part any approved stage/s, in accordance with B2;
 - (c) the role of additional koala habitat created in protecting koala numbers, and
 - (d) the provision of any additional koala management measures, specifically those relating to dogs.

- (2) The update should include, but not be limited to, the following:
- (a) The identification of dog breeds known to present a significant threat to koalas;
 - (b) Measures to effectively mitigate the threat posed to koalas by dogs. Such measures may include prohibitions/restrictions on particular breeds; limitations on the number of dogs per property; and specifications on the way dogs are to be housed from dusk to dawn.
- (3) The update must provide stage specific detail on the following:
- (a) revegetation and rehabilitation measures;
 - (b) measures to ensure that no identified koala food trees are removed within adjacent ecological buffers or identified core koala habitat within adjacent Environmental Protection zoned land;
 - (c) all obligations regarding the keeping of dogs, including regulatory and enforcement measures;
 - (d) specific road design, lighting and signage requirements aimed at protecting koalas and maintaining their safe passage between habitat areas. These requirements shall include fencing to road verges, fauna underpasses and like measures;
 - (e) detail of procedures to be adopted in the event that koalas are sighted within construction zones or the urban areas;
 - (f) specifications for any off-leash dog exercise areas to ensure appropriate separation from koala habitat;
 - (g) the detail of the location and construction specification of dog exclusion fencing to any adjacent Environmental Protection Zones and the timing of its completion;
 - (h) the detail, content and distribution of koala education and awareness measures aimed in particular at contractors and staff engaged in construction and at future residents of that stage; and
 - (i) a protocol for the reporting of any deaths or injuries to any koala within Kings Forest including collection and recording procedures and where necessary autopsy procedures or laboratory tests to identify the cause of death to any koala.

Vegetation Management Plan

Each Vegetation Management Plan update is to provide details on:

- (1) the short, medium and long term measures to be implemented to rehabilitate degraded areas, and manage remnant vegetation and habitat within the buffers and Environmental Protection zoned land within the site.
- (2) revegetation and regeneration including establishment of appropriate canopy (including koala feed trees), sub-canopy, understorey and ground strata.
- (3) rehabilitation of creeks and drainage lines.
- (4) conserving and re-using, where appropriate, the soil seed bank where good quality native vegetation is being removed.
- (5) collection and propagation of endemic native seed for revegetation on the site.
- (6) monitoring of water quality and vegetation health within buffers and environmental protection zoned areas; and

- (7) the design, regeneration/revegetation and management of the east-west wildlife corridor/s.
- (8) Measurable performance criteria are to be based on appropriate reference sites within the adjacent Cudgen Nature Reserve.

Feral Animal Management Plan

Each Feral Animal Management Plan update is to provide further details on collaboration with adjoining land owners and the incorporation of measures which include shooting and baiting.

Weed Management Plan

Each Weed Management Plan update is to detail ongoing weed management measures for each relevant stage.

Buffer Management Plan

Each Buffer Management Plan update is to detail bushfire protection measures, access control, signage and fencing.

Threatened Species Management Plan

Each Threatened Species Management Plan update is to provide further details on specific habitat management measures to safeguard existing populations of the two threatened Wallum frog species that occur within the Environmental Protection zones, Ecological buffers and the golf course. These measures are to be determined with reference to contemporary scientific literature and current best practice.

Golf Course Management Plan

The Golf Course Management Plan is to demonstrate consistency with the Koala Plan of Management and the Threatened Species Management Plan.

C3 Dedication of Land to DECCW

Prior to the construction of Stage 1, or as otherwise determined by the Director-General, the Proponent must provide evidence of an agreement for the dedication by Project 28 P/L to DECCW of approximately 150 ha of land as addition to the Cudgen Nature Reserve.

Such an agreement must outline the proponent's commitment to establish boundary fences and trails satisfactory to the needs of DECCW prior to the land being added to Cudgen Nature Reserve. The proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest, weed and management plans. The funding should be sufficient to ensure actions within the amended plans relevant to the new additions are able to be completed.

C4 Affordable Housing

The proponent shall provide, with the Environmental Assessment for the project application for Stage 1, a study to determine the need for affordable housing provision for the Kings Forest Estate. The study should address the following:

- (1) The likely future demographics of the population of the Kings Forest Estate and immediate locality by household type, income, employment and tenure;
- (2) The need for affordable housing both for rental and purchase in the Kings Forest Estate and immediate locality;
- (3) A plan showing the possible location of affordable housing on the Kings Forest site in the various precincts; and,

- (4) Investigation of mechanisms for the provision of affordable housing, including any role for community housing providers or the potential use of Voluntary Planning Agreements

The proponent is to consult with Tweed Shire Council and Housing NSW -Centre for Affordable Housing in the preparation of the study.

C5 *Alignment- Kings Forest Parkway*

The alignment of the Kings Forest Parkway through the site must be designed so that it is a continuous or 'through' alignment to enforce its priority route status as a major collector/distributor road.

C6 *Traffic Assessment*

In order to ensure that necessary works to the external road network are implemented in a timely manner and to monitor and assess incremental impacts on the network, each future development application for subdivision must be accompanied by a detailed traffic assessment that addresses impacts on the broader network prepared by a suitably qualified person in accordance with the RTA's *Guide to Traffic Generating Developments*.

C7 *Road Traffic Noise Impact Assessment*

In order to determine appropriate noise attenuation requirements adjacent to the Kings Forest Parkway, a road traffic noise impact assessment must be undertaken in accordance with RTA guidelines as part of each development application. Details of noise attenuation measures (buffers, mounds, acoustic walls, construction standards) are to be provided as part of each development application.

C8 *Traffic and Wildlife Protection Measures*

All future development applications are to demonstrate that:

- (1) Provision has been made to maintain the safe passage of wildlife between habitat areas through specific road design, lighting and signage requirements and, where considered appropriate, fencing to road verges, fauna underpasses and like measures; and
- (2) Road crossings of waterways maintain existing fish passage.

C9 *Restrictions on Cats*

The future development applications must demonstrate that the keeping of cats within the Kings Forest site shall be totally prohibited and that all residential lots are to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

C10 *Acid Sulfate Soils and Groundwater Assessment*

~~In order to ensure the protection of groundwater quality and the water quality of surrounding surface waters, a detailed acid sulphate soils (ASS) assessment and ASS Management Plan (ASSMP) addressing groundwater and acid sulphate soils prepared by a suitably qualified person must be submitted with the each development application for subdivision. The assessment must be carried out in accordance with the ASSMAC Guidelines (1988) and must include the following, as a minimum:~~

In order to ensure the protection of groundwater quality and the water quality of surrounding surface waters, a detailed acid sulphate soils (ASS) assessment and, if required, ASS Management Plan (ASSMP) addressing groundwater and acid sulphate soils prepared by a suitably qualified person must be submitted prior to issue of construction certificates for

future precinct earthworks. The assessment must be carried out in accordance with the ASSMAC Guidelines (1988) and must include the following, as a minimum:

- (1) A plan as described above, showing the locations of all monitoring and test points (boreholes, test pits, wells/groundwater sampling, soils sampling, surface water sampling, monosulphides sampling etc);
- (2) Plots of water level and quality with time;
- (3) Spatial and depth distribution of ASS soils, corrected to include TAA plus oxidisable sulphur, and using the ASSMAC recommended action level (>18 mols H⁺/t) for the site;
- (4) Typical treatment levels/distribution of AASS and PASS soils on site (where investigated), to current/correct standards; and,
- (5) A detailed ASSMP with actions for determining ASS conditions ahead of excavation, handling of groundwater levels and quality, detailed management procedures for surface waters and flood routing, interaction (short and long term) of the groundwater with surface water in order to prevent the formation of monosulfides, materials evaluation and handling, materials balance, stockpile treatment, validation testing, monitoring systems with trigger levels, contingency actions, protection for structural elements, evaluation of off-site impacts etc.

C11 *Stormwater Management and Water Quality Monitoring*

All future development applications for subdivision are to submit a detailed stormwater management plan prepared by a suitably qualified person. The Stormwater Management Plan must address and outline measures based on Water Sensitive Urban Design Principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sediment controls at construction and operational stages.

Each plan is to include a detailed design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system must be submitted with each development application for subdivision. MUSIC modelling must be undertaken to demonstrate appropriate water quality objectives are being achieved.

All future applications for each stage of development are to demonstrate, through the provision of monitoring and adaptive management plans and commitments, that any proposed surface water/stormwater pollution reduction devices will be monitored to determine their pollutant removal efficiencies and the need for further treatment of drainage to ensure the preservation of water quality in Cudgen Creek and Blacks Creek.

C12 *Constructed Lakes/Wetlands*

In order to ensure the protection of groundwater quality and the surface water quality, a detailed water resource management plan prepared by a suitably qualified person must be submitted with any development application that includes construction of lakes or wetlands. The plan is to address the management of groundwater, acid sulphate soils and water quality for any constructed lake or wetland. The management plan is to be submitted to the satisfaction of the Director-General following consultation with the NSW Office of Water and the Council.

C13 *Geotechnical Assessments*

In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future development application for subdivision. The assessments must, at a minimum, include the following:

- (1) A geotechnical map of the site clearly showing ground surface contours, geotechnical engineering soil types and geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. That map should be occupied by an explanatory text describing the nature and delineation of soil types and hazard types. The map and text should be prepared by a suitably experienced geotechnical practitioner.
- (2) A synthesis site plan clearly showing ground surface contours and the locations of all test pits, boreholes and monitoring wells drilled on the site to date.

Any hillside construction must be in accordance with *Some Guidelines for Hillside Construction and Practice*, Appendix G of Landside Risk Management by Australian Geomechanics 2002.

C14 *Bushfire Assessment*

In order to ensure the protection of property and assets, a detailed bushfire assessment and management plan prepared by a suitably qualified person must be submitted with each future development application for subdivision. The assessment must, at a minimum, demonstrate consistency with the requirements of *Planning for Bushfire Protection 2006*. All asset protection zones must be clearly specified on the Plan of Development and all affected lots are to be encumbered with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

C15 *Open Space*

All future applications for each stage of development are to demonstrate the provision of an adequate area of active and passive open space areas. A detailed Open Space Network Plan is to be provided demonstrating open space provision in accordance with Council's minimum requirements.

C16 *Provision of Land for Emergency Services*

Each future development application must investigate and report on the accommodation of appropriate facilities for the NSW Ambulance Service, NSW Police and the NSW Fire Service.

C17 *Further Threatened Flora Surveys*

As per the Revised Threatened Species Management Plan further surveys are required for: Square Stemmed Spike Rush with development applications relating to precincts 13, 14 and 16.

Surveys are to be undertaken during the appropriate season. Procedures for the protection and management of any newly identified occurrences of this species are to be in accordance with the Recovery Plan for this species and are to be detailed within the Vegetation Management Plan.

C18 *Landscaping*

Prior to the transfer of any land to Council, Council is to be satisfied that landscaping is in accordance with Council's public open space landscape guidelines and standards.

C19 *Cultural Heritage Management Plan*

All future applications for each stage of development are to demonstrate the implementation of the recommendations of the Cultural Heritage Management Plan, including the

requirement for site specific management strategies for each of the identified sites of cultural heritage significance as they relate to the area of the development application

C20 *Development within Ecological and Agricultural buffers*

All future development applications proposing development within either the ecological or the agricultural buffer must demonstrate that, as relevant, clauses 7 or 8 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* have been adequately addressed.

C21 *Bus Network*

~~All future applications for each stage of development are to ensure the adequate provision of public transport through the provision of a bus network implementation plan.~~

All future applications for each stage of development for residential subdivision are to ensure the adequate provision has been made for public transport through the provision of a bus network implementation plan.

C22 *Groundwater*

~~All future applications for each stage of development are to demonstrate that where the use of groundwater is proposed or where the watertable is proposed to be intercepted impacts on groundwater have been assessed. A Site Water Management Plan and a Groundwater Management and Monitoring Plan are to be submitted to the satisfaction of the Council following consultation with the NSW Office of Water.~~

~~Baseline groundwater monitoring, conducted for 12 months, prior to any approval for future applications will be required.~~

For all future applications where the use of groundwater or the interception of the groundwater table is proposed, the proponent, after consulting with the NSW Office of Water, is to prepare detailed Site Water and Groundwater Management and Monitoring Plans, supported by baseline groundwater monitoring conducted for an appropriate period. The plans are to be submitted for the approval of the relevant consent authority prior to the issue of a construction certificate.

C23 *Housing Densities*

All future applications for each stage of development are to provide a plan which:

- (1) Details the mix of densities in each precinct;
- (2) Demonstrates adoption of the neighbourhood planning principles in the Far North Coast Regional Strategy;
- (3) Details the objectives for the location of housing of various densities;
- (4) Details the proposed number and size of dwellings in each stage and precinct;
- (5) Details sites for seniors housing and support facilities;
- (6) Demonstrates the implementation of the levels of accommodation provided for in the approved concept plan;
- (7) Details sites for higher density development; and
- (8) Details discussions with Tweed Shire Council.

C24 *Flooding*

All future applications for each stage of development are to incorporate any re-calibrations of the Tweed Shire Council flood model.

A preliminary development landform for the entire Kings Forest site is to be provided with the Environmental Assessment for Stage 1 to allow comprehensive flood modelling to be carried out, but not in such a way as to preclude necessary modifications to land forms in subsequent stages of development.

C25 *Overall Water Management Plan*

All future applications for each stage of development are to provide an overall water management plan, integrating any discrete water, stormwater, groundwater and Acid Sulfate Soil management plans.

C26 *Implementation of Part B of the Kings Forest Development Code*

All future project/development applications for residential subdivision or for the construction of dwellings or commercial premises must demonstrate consistency with Part B of the Kings Forest Development Code.

SCHEDULE 3

STATEMENT OF COMMITMENTS

5.1 Biodiversity

1. Project 28 commits to preparing detailed site-specific assessments and management plans in relation to the following matters. The detailed actions prescribed in the site specific management plans will be in accordance with the principles established in the following management plans attached to the PPR:

- Buffer Management Plan (Attachment G);
- Revised Vegetation Management Plan (Attachment J);
- Revised Threatened Species Management Plan (Attachment K);
- Revised Feral Animal Management Plan (Attachment H); and
- Revised Weed Management Plan (Attachment I).

2. Project 28 commits to implementing the actions and recommendations, including associated timeframes and performance monitoring arrangements, set out in the Koala Plan of Management (see Attachment L).

3. In relation to the proposed rezoning of land at Kings Forest Project 28 commits to:

- Restoring the habitat of the Bush Stone-curlew in accordance with recommendations in the Revised Threatened Species Management Plan (see Attachment K).
- Regenerating the heathland in the grassland community within the revised 7(l) zone south of Depot Road (Area 2) to compensate for the loss of regrowth heath for the new road alignment.
- Rehabilitating all land proposed for rezoning as Environmental Protection in accordance with the Revised Vegetation Management Plan (see Attachment K).

5.2 Golf Course Management

4. The proponent will implement the actions in the Golf Course Management Plan (Appendix F to the EAR) and submit an Addendum to the plan with the project application for the bulk earthworks for the proposed golf course. The addendum will adopt the recommendations of the E-Par report (Attachment M) and relevant elements of the management plans referred to above.

5.3 Soils and Geotechnical Conditions

5. ~~In relation to managing the acid sulphate soils on the site, Project 28 will:~~

- ~~• Undertake detailed site specific ASS investigations (including additional soil sampling) in support of future project applications in accordance with the NSW ASSMAC Guidelines and AS1726.~~
- ~~• Prepare Acid Sulphate Soils Management Plans to accompany future project applications for each stage of development.~~

~~In relation to managing the acid sulfate soils on the site, prior to the issue of construction certificates for the future precinct earthworks Project 28 will undertake detailed site specific ASS investigations (including additional soil sampling) generally in accordance with the NSW ASSMAC Guidelines and AS1726, and prepare Acid Sulfate Soils Management Plans.~~

6. Project 28 will undertake detailed site specific geotechnical assessments (including additional drilling) in support of future project applications in accordance with AS1726:1993 Geotechnical Site Investigations.

5.4 Contamination

7. Project 28 will undertake Stage 2 contamination investigations to accompany future project applications for areas of known potential contamination, including lands previously used for sugar cane and banana plantations and as a cattle dip. Where required,

Remediation Action Plan(s) will be prepared in accordance with NSW State government requirements.

5.5 Water Management

8. In support of future project applications for each stage of development, Project 28 will:
- Prepare detailed Integrated Water Cycle Management Plans - on a catchment by catchment basis – to address rainwater harvesting, stormwater quality treatment, stormwater quantity management and groundwater recharge.
 - Undertake on a site specific basis detailed groundwater assessments and prepare detailed Groundwater Management Plans in accordance with DWE requirements.
9. Project 28 will consult with the Department of Water and Energy with respect to the design, licensing and use of harvestable water rights, and surface water and ground water management strategies generally, including the monitoring of these resources. Any required water licenses will be the subject of applications to the DWE, after investigation into the licensing of the existing bore network.
10. Project 28 will provide DWE with further information on the water quality and management of ASS at Turners Quarry Lake for assessment, in support of the incorporating the lake into the Concept Plan.

5.6 Flooding and Climate Change

11. Project 28 will prepare a comprehensive flood assessment of the site for the first project application for Kings Forest. The flood assessment will determine the flood planning level for the site.

5.7 Heritage

12. The proponent will finalise the Cultural Heritage Management Plan in consultation with the traditional owners after completion of archaeological excavations and analysis of findings. This Management Plan will be submitted to the Department of Planning for approval prior to its consideration of the first project application.

5.8 Bushfire Management

13. Project 28 will manage bushfire risk in accordance with the requirements in Planning for Bushfire Protection 2006.

5.9 Traffic and Access

14. Project 28 commits to the following measures in relation to traffic, access and public transport:
- Implementing with the first stage of subdivision, and in accordance with Tweed Shire Council requirements, the road network proposed in the Concept Plan
 - Constructing a new intersection at Tweed Coast Road and the proposed Kings Forest Parkway before completion of works in relation to the first stage of subdivision.
 - Designing all roads, intersections, pedestrian and cycle ways, and bus shelters to meet Tweed Shire Council requirements.
 - Designing and constructing water crossings to meet the requirements of the Department of Primary Industries.

5.10 Emergency Services

15. The proponent will make provision for sites to accommodate, if required, the NSW Ambulance Service, the Police and the NSW Fire Service.

5.11 Dedication of Lands

16. Project 28 will negotiate with DECC the timing, process and conditions of the dedication to the National Parks and Wildlife Service of approximately 150 hectares of the Kings Forest land adjacent to the Cudgen Paddock.

MODIFICATION REQUESTS:

Transitional Part 3A projects

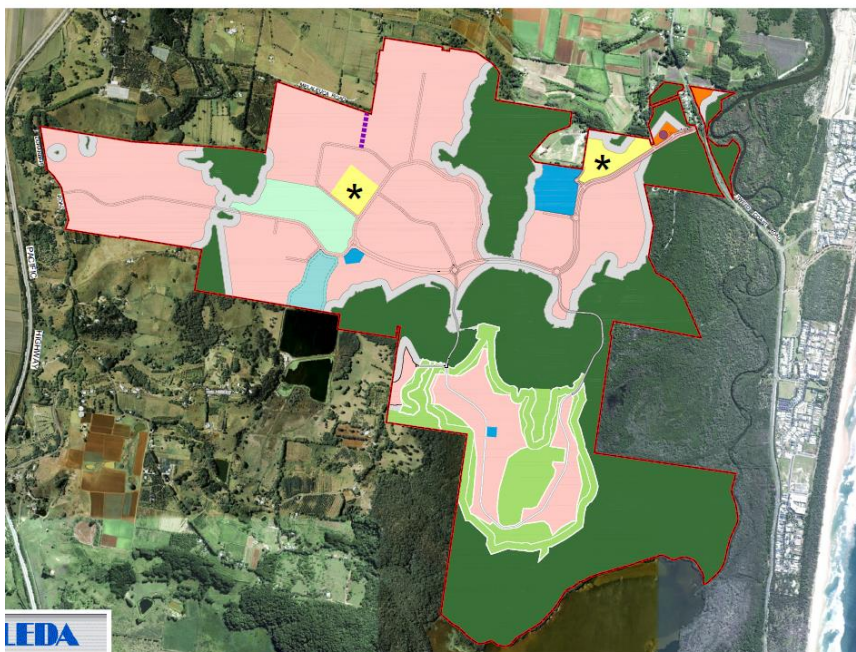
MP06_0318 MOD 3 (Concept Plan)

MP08_0194 MOD 1 (Stage 1)

Kings Forest Residential Community

Minor and administrative amendments to terms and conditions, including:

- the lapsing date of the concept plan approval;
- land to which the approvals apply (to include closed roads);
- amended and additional definitions;
- precinct specific management plan details;
- timeframes for the submission and approval of environmental management plans and further details; and
- section 94 development contribution credits.



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2014

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1. BACKGROUND

1.1 Introduction and Scope

This report is an assessment of two requests made by Project 28 Pty Limited (the proponent) to modify the concept plan (06_0318) and the project approval (08_0194) for the Kings Forest residential community subdivision (within the Tweed local government area), pursuant to section 75W of the *Environmental Planning & Assessment Act 1979* (EP&A Act), as it continues to apply to transitional Part 3A projects under Schedule 6A of the EP&A Act.

The modification requests seek to make primarily minor and/or administrative amendments to the concept plan and stage 1 project approvals, in relation to various matters, including the lapsing date of the concept plan approval; land to which the approvals apply (to include closed roads); amended and additional definitions; precinct specific management plan details; timeframes for the submission and approval of plans and other further details; and section 94 development contributions.

1.2 Site Location and Surrounding Land Uses

The site has an area of around 880 hectares, comprising 19 parcels of land (including subsequently closed roads). It is located approximately 15km south of Tweed Heads, in the Tweed LGA close to the townships and coastal suburbs of Bogangar, Cabarita Beach and Casuarina. The location of the site is shown in **Figure 1**.



Figure 1: Location of the Site

The site is surrounded by agricultural and pastoral lands to the north, south and west. Cudgen Lake, and the wetland habitat surrounding the lake, borders the south-eastern site boundary. The lake covers an area of approximately 160 hectares and is located within the Cudgen Nature Reserve. The Cudgen Nature Reserve extends alongside much of the eastern site boundary. Further east on the opposite side of Cudgen Nature Reserve there is the coastal suburb of Casuarina. Surrounding features of the site are shown in **Figure 2**.

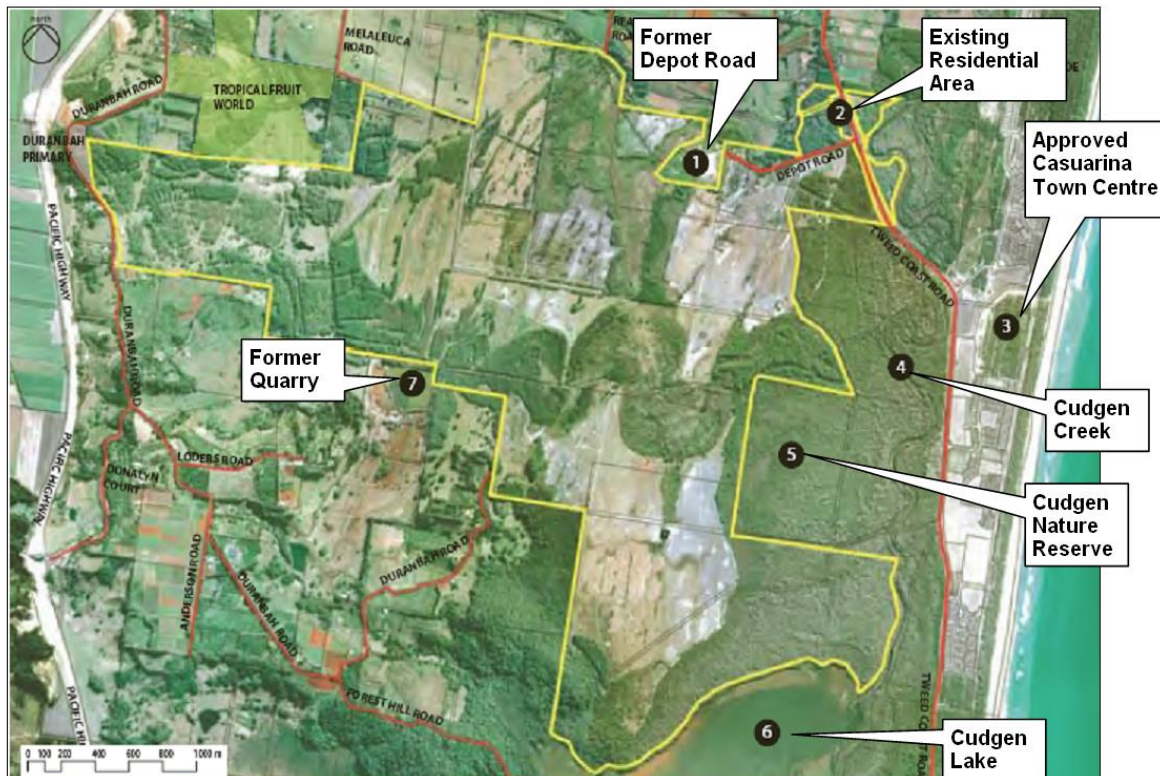


Figure 2: Surrounding Environment (source: JBA Urban Planning 2008)

1.3 Previous Approvals

MP06_0318 – Concept Plan

On 19 August 2010, the then Minister for Planning approved the concept plan for the Kings Forest estate. This followed a review by the independent Planning Assessment Commission (PAC) of the Assessment report, provided to the Minister on 16 July 2010. While the PAC review concluded that the department's assessment, conclusion and recommendations were reasonable, the PAC was of the opinion that certain issues required strengthened requirements, which were largely supported by the department and incorporated into the final approval.

The approved concept plan comprised:

- residential development for approximately 4500 dwellings;
- town centre and neighbourhood centre for future retail and commercial uses;
- community and education facilities;
- employment land;
- golf course;
- open space;
- wildlife corridors;
- protection and rehabilitation of environmentally sensitive land;
- utility services infrastructure;
- water management areas and lake; and
- roads, pedestrian and bicycle paths.

The concept plan layout is shown in **Figure 3** (as modified by MOD 2).

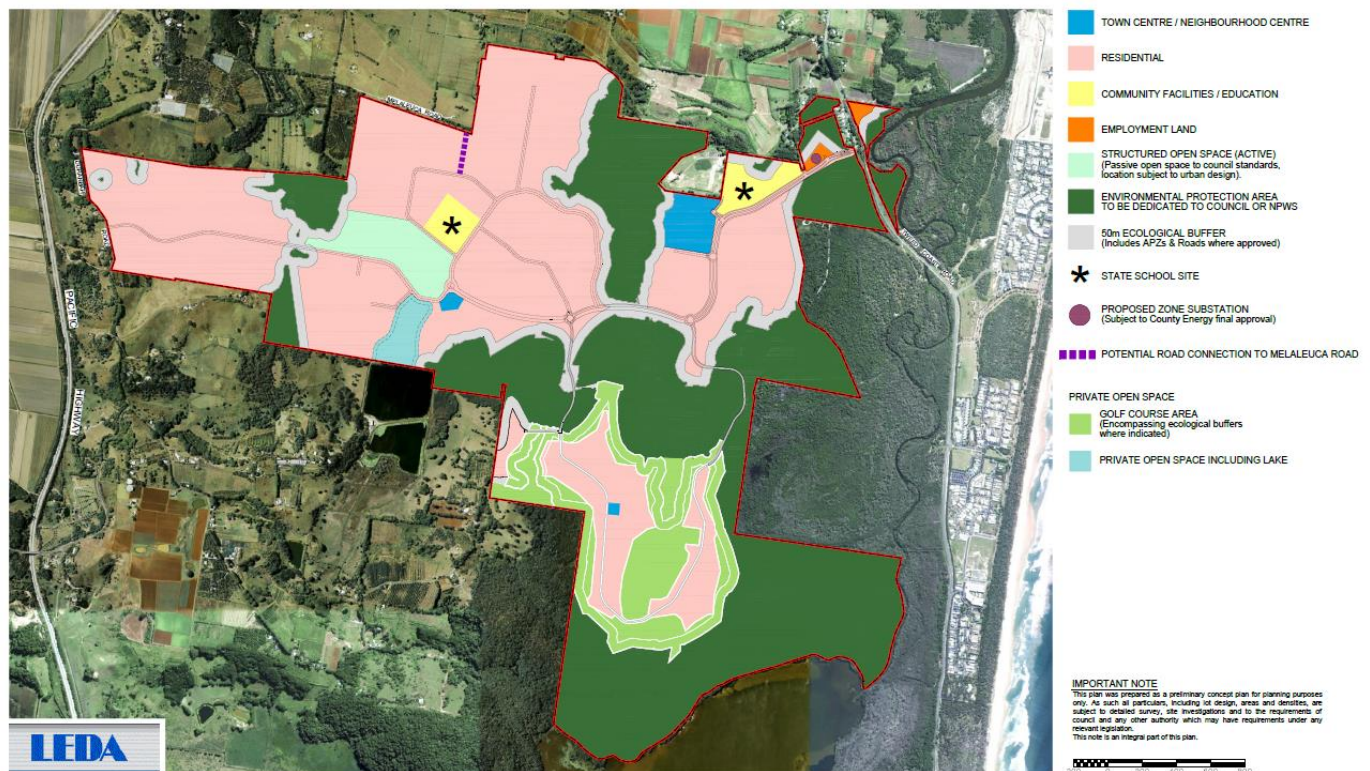


Figure 3: Concept plan layout (as modified, refer to MP06_0318 MOD 2)

MP 08_0194 – Stage 1 - Bulk Earthworks and subdivision of Precinct 5

On 11 August 2013 the PAC, as delegate for the then Minister, issued project approval to MP08_0194 (in conjunction with 06_0318 MOD 2). The project approval included the following:

- bulk earthworks across the site;
- a plan of development and subdivision of Precinct 5 into 376 residential lots;
- development of a rural supplies building and access arrangements (Precinct 1); and
- construction of subdivision and infrastructure works along Kings Forest Parkway and within precincts 1 and 5.

The outline of the project approval for stage 1 is shown in **Figure 4**.

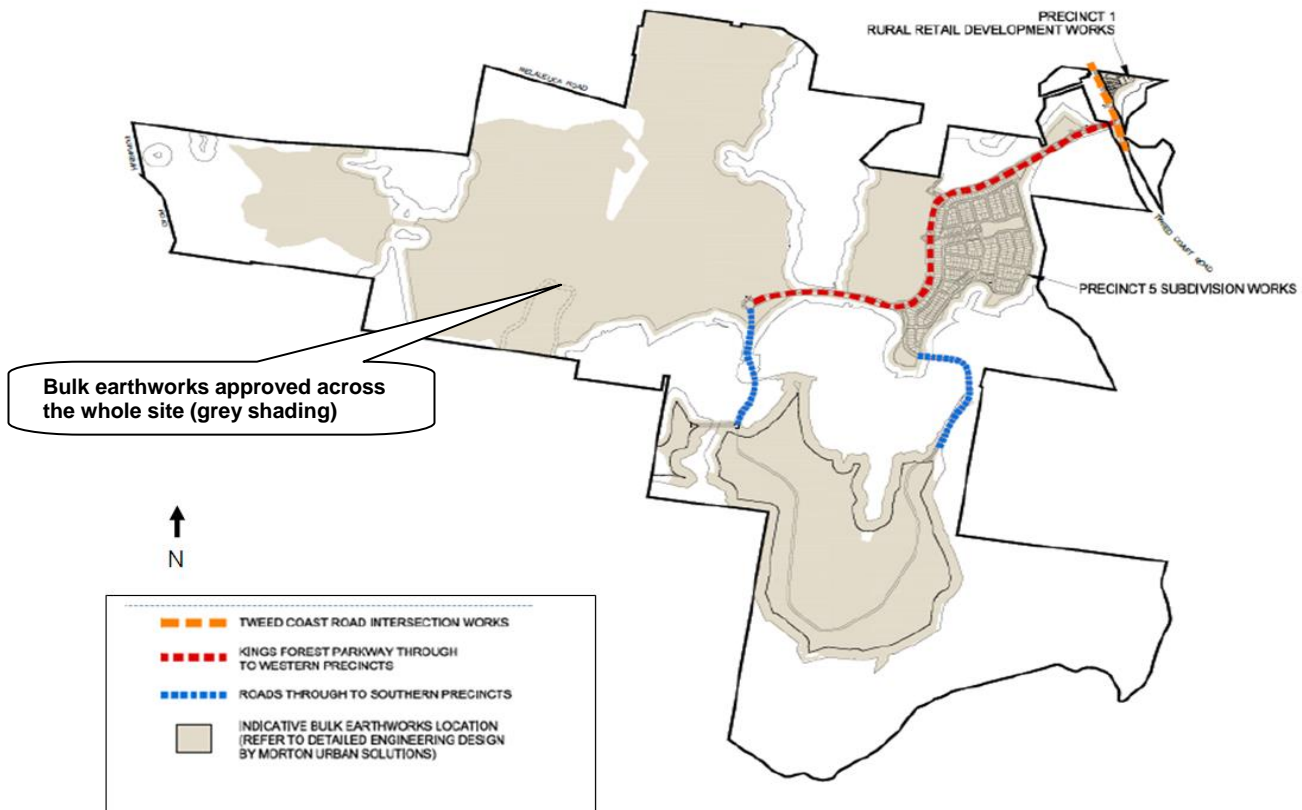


Figure 4: Outline of Stage 1 Project Approval

1.4 Modifications to Concept Plan (06_0318 MOD 1 and Mod 2)

The Concept Plan has been modified on two occasions, as outlined below.

On 22 December 2010, the then Acting Director Regional Projects, as the delegate for the Minister for Planning, approved MOD 1 to incorporate the Kings Forest Development Code into the concept plan approval. This provided for exempt and complying development provisions to apply to the estate and to set out controls for development requiring a development application. Eleven other amendments to the terms of approval and the Statement of Commitments clarified terms of approval related to flora and fauna monitoring, environmental management plans and groundwater and modified requirements for the submission of Acid Sulphate Soil Management plans.

On 11 August 2013, the PAC as delegate for the then Minister for Planning approved MOD 2, which included the following matters:

- amendments to the approved concept plan drawings;
- a new east-west wildlife corridor;
- a revised plan of land dedication;
- minor amendments to the Development Code;
- implementation of all management and maintenance activities in the environmental management plans in perpetuity;
- environmental auditing and reporting on all environmental lands;
- further traffic assessment for the future upgrades to the Tweed Coast Road and Kings Forest Parkway intersection;
- embellishment and dedication requirements for casual and structured open space;
- a Rehabilitation Plan for Blacks Creek;
- a management plan for the new east-west wildlife corridor; and
- a requirement that all future development applications for subdivision provide details of proposed land dedications to Tweed Shire Council.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification requests seek to make minor and/or primarily administrative amendments to the concept plan and stage 1 project approvals, including amendments to:

- extend the lapsing date of the concept plan approval;
- update the land to which the approvals apply (to include closed roads);
- provide for amended and additional definitions;
- amend terms and conditions related to precinct specific management plan details;
- extend timeframes for the submission and approval of environmental management plans; and
- include reference to credits that apply under the relevant contribution plan in the section 94 development contributions condition.

The proposed modification will involve amendments to the following terms and conditions of approval:

- MP06_0318 MOD 3
Schedule 1 (table) and Schedule 2, terms A5, B4, B5, B6, C2 and C15
- MP08_0194 MOD 1
Schedule 1 (table) and Schedule 2 conditions A9, A10, 3, 25, 27, 31, 40, 41, 42, 43, 44, 45, 47, 48, 63, 99, 135, 136 & 142.

The amendments are set out in more detail in **Tables 1 and 2** in **Appendix A**.

The proposed modifications do not involve any changes to the approved concept plan layout (as already modified) or the approved stage 1 project layout (refer to **Figures 3 and 4**).

2.2 Modification Justification

The proponent contends that the modifications are justified on the basis that they involve minor changes to terms and conditions, being primarily of an administrative or housekeeping nature, to enable the project to proceed in an efficient, viable and timely manner. The proponent's justification also indicates that the amendments will not change the approved scale, layout and yields of the project.

3. STATUTORY CONTEXT

3.1 Major Development SEPP

Both the modification to the concept plan and the project application are transitional Part 3A projects by virtue of Schedule 6A of the EP&A Act. The Minister for Planning is the approval authority.

3.2 Modification of the Minister's Approval

The concept approval MP06_0318 was granted under section 75O and project approval MP08_0194 was granted under section 75J of the EP&A Act. Section 75W of the Act provides for the modification of the Minister's approvals, issued under sections 75J and 75O.

In accordance with clause 3 of Schedule 6A of the Act, section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Pursuant to section 75W(2) of the Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Secretary.

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of environmental assessment requirements (EARs) with respect to the proposed modification.

Given the nature of the modification requests, DGRs were not considered necessary, as sufficient information was submitted to assess the applications and the proposed modifications do not involve any changes to the approved concept plan layout (as modified) or the approved stage 1 project layout, nor any additional lots.

3.3 Delegated Authority

On 14 September 2011, the functions and powers of the Minister for Planning to determine section 75W modification requests were delegated to Directors in the Major Projects Assessment Division in cases where:

- (a) the relevant local council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 10 public submissions in the nature of objections.

There are no public submissions to the modification requests.

Council has made a submission on each of the modification requests. Council provided advice on the modifications and objected to the proponent's proposed amendments to term C2 of the Concept Plan approval. Council however has subsequently advised that there is no objection to amendments to term C2 based upon the revised wording now recommended following the assessment in this report.

No objection was received from council, no political disclosure statement was made and there were less than 10 relevant public submissions. Therefore, the Director, Industry, Key Sites & Social Projects may determine the modification request under delegated authority.

3.3 Statement of Permissibility

The Kings Forest site is listed as a State Significant Site in Schedule 3 of the SEPP (Major Development) 2005 and sets out planning provisions which apply to the land including applicable land use zones, which are Zone 2(c) Urban Expansion; Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests); and Zone 7(l) Environmental Protection (Habitat).

The approved concept plan sets out the proposed uses within the applicable zones and the project approval is consistent within these controls. The modification requests will not alter the approved concept plan and stage 1 project approval layout, and therefore do not alter the consistency of the approved development within the applicable controls.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification and Consultation

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation; the modification request was made available on the department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by other means. No public submissions were received on the modification request.

The request was referred to Tweed Shire Council and relevant agencies for their review.

4.2 Submissions

The following submissions were received from Tweed Shire Council and relevant agencies.

Tweed Shire Council has commented regarding the proposed modification requests, as set out in **Table 3**.

Table 3: Tweed Shire Council – Submission Summary

MP06_0318 - MOD 3	
<p><i>Term B4 – details of East/west wildlife corridors;</i></p> <p><i>Term B5 – Plan for dedication of land to council; and</i></p> <p><i>Term B6 – revised Kings Forest Development Code.</i></p>	<p>Council suggests that the timeframe for meeting requirements in Terms B4 and B6, be extended to 12 months of the expected decision date (14 April 2014) for the application for approval under the provisions of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i> (EPBC Act).</p> <p>Council however rejects the need to extend the timeframe of Term B5 of the concept plan approval related to submission of a plan of land to be dedicated to council.</p>
<i>Term C2 - Management Plans</i>	<p>Council <u>strongly objected</u> to amendments to term C2, seeking to remove establishment periods from the management plans and include a reference to 'agreed completion criteria'.</p> <p>The proponent has agreed to retain a reference to establishment periods and accepts council's revised wording of this term. On this basis council has withdrawn its objection.</p>
<i>Term C15 – Open Space establishment and dedication</i>	Council generally supports the proposed amendments but suggests that proposed clause C15(e), which refers to a lot intended to be further subdivided, needs further clarification.
MP08_0194 - MOD 1	
<i>Condition A10 - Road Works</i>	Council considers that the proposed amendment to the condition referring to contribution credits is unnecessary, as the Tweed Road Contribution Plan (CP No. 4) clearly sets out council's credit policy and the proposed amendment is too broad and open to interpretation.
<i>Condition 31 – provision of Water and Sewer reticulation</i>	Council <u>does not support</u> the proposed amendments as it could result in land (other than residential lots) which should be connected to water and sewer not being provided with these services by the developer.
<i>Condition 42 – Weed Management</i>	Council supports the inclusion weed management of ecological buffers, instead of Cudgen Nature Reserve, but notes this is a matter for OEH.
<i>Condition 63 – SEPP 14, delineation of boundaries</i>	Council <u>does not support</u> the amendments to this condition which seeks to limit the condition requirements for only to those areas adjacent to or adjoining proposed works, as bulk earthworks and civil works are to occur over the entire development site.
<p><i>Condition 27 - Old Bogangar Road Access, detailed design;</i></p> <p><i>Condition 40 – Vegetation Management Plans;</i></p> <p><i>Condition 41 – Buffer Management Plans;</i></p> <p><i>Condition 42 – Weed Management Plans;</i></p> <p><i>Condition 43 – Threatened Species Management Plans;</i></p>	<p>Council has suggested that the extended timeframes for meeting requirements of various conditions should be generally extended to 12 months of the expected decision date (14 April 2014) for the application for approval under the provisions of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i> (EPBC Act).</p> <p>No comments were made in relation to condition 99</p>

<i>Condition 44 – Feral Animal Management Plan;</i> <i>Condition 45 – Koala Plan of Management;</i> <i>Condition 47 – Flora and Fauna Monitoring</i> <i>Condition 48 – Summary of Management Plans; and</i> <i>Condition 99 – Amendments to Design of Rural Supplies Building.</i>	
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Office of Environment & Heritage (OEH) provided advice, in particular about condition 42 (Weed Management) and the intent that there is a buffer area (100m) of weed management within Cudgen Nature reserve, to account for edge effects and indirect impacts to the nature reserve from the approved development. OEH would support amendment of condition 42 to reflect this intent.

NSW Rural Fire Service reviewed the modification and has no objections, in particular in relation to the deletion of condition 142(1)(h) of the project approval MP08_0194, regarding a positive covenant for bushfire asset protection zones.

NSW Trade & Investment – Mineral Resources reviewed the modification and has raised no issues.

Department of Primary Industries (DPI) agencies, NSW Office of Water, Fisheries NSW, & Crown Lands, reviewed the modification requests and no issues were raised by these agencies.

The issues raised by council and OEH, and the proponent's response to these issues are further considered in section 5.

5. ASSESSMENT

The key issues arising from the modification request of the concept plan relates to:

- Lapsing provisions of the concept plan approval (Term A5);
- Extended timeframes for meeting requirements of certain terms (Terms B4, B5, & B6);
- Precinct management plans details (Term C2); and
- Open space requirements (Term C15).

The key issues arising from the modification request of the project approval relate to:

- Extended timeframes for meeting requirements of certain conditions (conditions 3, 27, 40, 41, 42, 43, 44, 45, 47, 48 and 99);
- SEPP 14 wetlands/Cudgen Nature Reserve requirements (condition 63);
- Weed management requirements (condition 42); and
- Water and sewer reticulation (condition 31).

5.1 Lapsing of the Approval – Term A5 (Concept Plan)

Section 75Y(2) of the Act provides that a condition of approval which provides for the lapsing of the approval may be modified to extend the lapsing period. This also requires that the approval is reviewed before extending the lapsing period and that other modifications may be made to the approval, whether or not requested by the proponent.

There are no apparent terms or conditions of approval (as already modified) which would be affected by the proposed modification to extend the lapsing date.

The proponent has requested that the lapsing date of the concept plan approval be extended until the end of 2016; however the proponent has not nominated a specific lapsing date.

A specific date needs to be nominated, to provide certainty in the lapsing of the approval. Accordingly, the department considers that 31 December 2016 can be nominated, being consistent with the proponent's request that the approval lapse at the end of 2016. This will provide a reasonable extended time frame, with an additional 16 months, enabling the proponent to finalise matters required by the stage 1 project approval conditions prior to commencing the project.

The extended lapsing date will be generally consistent with the provisions of schedule 6A, where transitional Part 3A projects will lapse on 1 October 2016, in the absence of a valid lapsing provision otherwise applying. The requested lapsing date will provide a further two months beyond the default lapsing provision in Schedule 6A, which would not be unreasonable.

The department therefore agrees with the proponent's request to extend the lapse date and has recommended that term A5 be modified accordingly.

5.2 Extended Timeframes – Various Terms and Conditions (Concept Plan and Project Approval)

The proponent is seeking to extend the timeframes of various terms and conditions of the concept plan and stage 1 project approval that require the submission of various plans and environmental management plans (refer to **Tables 1 and 2** in **Appendix 1**).

The proponent has justified the need for extended timeframes due to the outstanding determination by the Commonwealth Department of Environment under the EPBC Act, in relation to proposed actions (works approved under the concept plan and stage 1 project) which affect federally listed species or communities, in particular Koalas and Wallum Sedge Frogs.

The construction of the Kings Forest development was declared by the Commonwealth as a controlled action in November 2012, requiring assessment and approval under the EPBC Act. The proponent indicates that the Commonwealth's determination is required to enable the project to proceed and enable the terms of the concept plan and the conditions of the project approval to be addressed in a comprehensive and integrated manner, having particular regard to the terms or conditions of any Commonwealth approval.

The department considers that it would be unreasonable to provide for a period of 24 months for the proponent to submit further details required in terms B4 (East/West wildlife corridor) and B6 (revised Kings Forest Development Code) and to submit the various environmental management and environmental management plan requirements set out in conditions 3, 40, 41, 42, 43, 44, 45, 47 & 48. This would have the potential to unduly delay finalisation of these matters.

The department considers that an extended timeframe of 6 months, from the expected date of determination of the EPBC Act approval (likely to be May 2014), will provide for a reasonable period to meet the requirements of the above terms and conditions of approval. Based on the current expected date of determination, this will therefore require that these terms and conditions are finalised by late 2014. This provides at least for a further 4 months period compared to the current requirements in most of these specified terms and conditions. The proponent has agreed to these amended timeframes.

There are three other matters where the proponent is seeking extended timeframes, related to submission of amended or revised plan details, which are not specifically related to environmental management matters. These terms and conditions are term B5 for provision of a plan of land to be dedicated to Tweed Shire Council; condition 27 for provisions of details of Old Boganagar Road access; and condition 99 for amended design details for the Rural Supplies Building (Precinct 1).

The department notes, as indicated by council in relation to term B5, that the proponent has provided no explanation as to how the EPBC Act decision will affect these matters. However the department considers that it is not unreasonable to provide for the extended timeframes requested by the proponent, having regard to the lapse of time since the project approval in August 2013, and noting that the submission of plan/s under term B5 is also tied to the lodgement of first development application or issue of first construction certificate. The proponent's requested changes to term B5 and conditions 27 and 99 are therefore reasonable and supported.

5.3 Precinct-Specific Management Plans – Term C2 (Concept Plan)

The concept plan approved a series of overarching environmental management plans containing broad management principles. The plans, however, lacked detailed actions and measurable performance criteria. Accordingly, term C2 was imposed to address these matters. Term C2 (as modified) requires future applications to include precinct-specific management plans to provide details on timelines for implementation of recommended works including both establishment and maintenance periods and measurable performance criteria.

The suite of management plans includes the following:

- Koala Plan of Management;
- Vegetation Management Plan;
- Feral Animal Management Plan;
- Weed Management Plan;
- Buffer Management Plan; and
- Threatened Species Management Plan.

The proposed amendments to Term C2 of the concept plan would remove the requirements for management plans to provide details on implementation of timelines for implementation of recommended works for the establishment period.

The proponent is also seeking to include a sentence within this term, so that it is unnecessary for a new management plan to be prepared, if a future application relies on a plan that was included with an earlier application, relating to the same precinct.

The current requirements in term C2 arise out of the department's and the PAC's detailed consideration and deliberations on the proposed development, including consideration and determination of MP08_0318 MOD 2 in August 2013 (in conjunction with the stage 1 project application MP08_0194). The proponent has provided limited justification for the proposed amendments, indicating they will provide for rationalisation and clarification of the requirements of this term.

Council strongly objected to amendments to term C2, seeking to remove establishment periods from the management plans and include reference to 'agreed completion criteria', as it was crucial to retain a distinction between establishment and maintenance periods in the management plans. It is unlikely council will accept responsibility for any environmental lands until establishment works have been successfully completed (as measured by performance criteria). Council also considered that the separation of these two phases allows for transparent estimation of costs for works to be paid for by the proponent related to ongoing maintenance of environmental values. Council is also concerned that the introduction of the reference to "completion criteria" would imply that there is no requirement for ongoing environmental management, by the proponent.

The department agrees with council's position, particularly that the management plans should retain the need to address establishment period/s. The proponent has reviewed council's comments and has agreed to retain the current provisions in term C2 in relation to the establishment period. Council has subsequently withdrawn its objection, on the basis that the proponent has agreed to retain reference to establishment periods.

Council did not object to the intent of the further amendments proposed by the proponent, to insert a sentence within this term, that it is unnecessary for a new management plan to be prepared, if a future application relies on a plan that was included with an earlier application, relating to the same precinct. However, council has suggested the insertion of the following additional underlined words for clarity:

It is not necessary for new plans to be prepared if an application relies on and does not affect a plan that was included with an earlier application relating to the same period.

The proponent has accepted the changes that council has proposed. The department therefore recommends that term C2 be modified in accordance with council's recommendations.

5.4 Open Space requirements – Term C15 (Concept Plan)

Term C15 relates to the timing for the establishment and dedication of land for active open space. The provision of open space is tied to thresholds related to the initial release of a subdivision certificate for precinct 4 or release of the 750th lot, then subsequently at construction of 1750th lot, 2750th lot and 3,750th lot. The proponent is seeking to amend the condition so that this applies only to 'residential lots' (as per the definition specified in **Table 1**).

The department considers that this amendment is reasonable as the demand or need for active open space areas will be primarily generated by residential development, rather than other development, such as commercial lots, within the estate.

Term C15 is recommended to be modified accordingly.

5.5 SEPP 14 Wetlands/Cudgen Nature Reserve Requirements – Condition 63

Condition 63 requires the delineation of the boundaries of SEPP 14 wetland and Cudgen Nature Reserve, prior to commencement of works, to facilitate the implementation of measures to prevent unauthorised access.

The proponent is seeking to remove the reference to SEPP 14 in condition 63 and refer instead to 'environmental protection zones and buffers', while retaining reference to Cudgen Nature Reserve. The proponent indicates that the environmental protection zones, as well as adjacent buffer areas, will encompass the SEPP 14 wetlands (refer to **Figure 5** which shows SEPP 14 wetlands in relation to environmental protection areas).

The proponent is also seeking to amend the condition so that the delineation of these areas is only carried out adjacent to or adjoining the relevant stage of the project.

While council does not object to the first of the proposed amendments to this condition, council does not support further amendments to limit the condition requirements only to those areas adjacent to or adjoining proposed works. Council notes that condition 63 relates to bulk earthworks and civil works to occur over the entire development site, and that condition A12 prohibits bulk earthworks in the ecological buffers. On this basis council does not support limiting the condition to specific areas as requested by the proponent.

The department accepts that the first of the proponent's proposed amendments to condition 63 is reasonable on the basis that the environmental protection zones and buffers contain the SEPP 14 wetlands. The department however notes council's concern's regarding the second amendment to this condition, particularly the potential impacts arising from bulk earthworks and civil works across the whole site, and the need for potential impacts from these works to be appropriately addressed.

The proponent is also seeking to amend the condition so that the delineation of these areas is only carried out adjacent to or adjoining the relevant stage of the project.

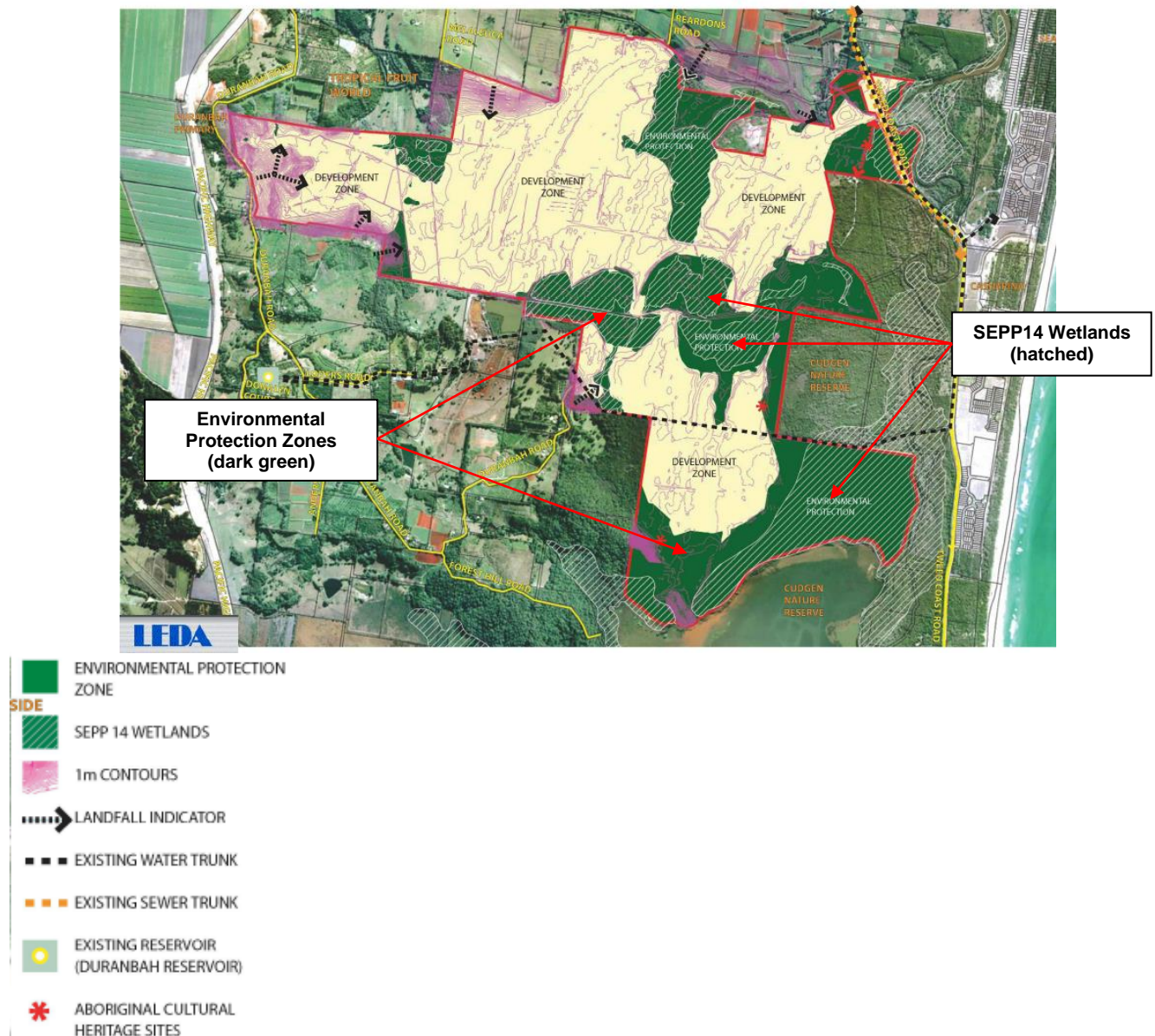


Figure 5: Site Analysis Plan – showing SEPP 14 wetlands and environmental protection areas

At a meeting between the proponent and the department on 27 March 2014, to discuss the progress of the modification requests, the proponent suggested that the condition be adjusted to require a staging plan to be submitted prior to the issue of a construction certificate. The proponent subsequently provided revised wording for the condition, which is generally as follows (as further adjusted by the department):

*Prior to the commencement of works for any stage of the project, the **environmental protection zones and buffers** and Cudgen Nature Reserve boundaries **adjacent to or adjoining that stage** must be clearly delineated on-site to prevent unauthorised access to these areas. **Staging Plans shall be submitted to the satisfaction of the Director-General, prior to the issue of a Construction Certificate for bulk earthworks within each relevant Precinct, showing the area of works to be undertaken and with the boundaries of adjoining environmental protection zones and buffers being clearly delineated within each Precinct.** Temporary signage should be erected to ensure that construction workers are aware of the need to avoid and protect these sensitive areas. Design of the temporary fence should allow movement of native fauna present in the area. Temporary fencing and signage*

should incorporate all Environment Protection Zones including any of the ecological buffers proposed for dedication as part of Cudgen Nature Reserve.

The department supports the proposed wording to the condition. Condition 63 is recommended to be modified, accordingly.

5.6 Weed Management Requirements – Condition 42 (Project Approval)

The proponent is seeking to replace the requirement in condition 42 that weed management plans ensure the control of weeds within environmental protection zones and in Cudgen Nature reserve, with a requirement that the management plans instead ensure the control of weeds within environmental protection zones and ecological buffers. The proponent considers that it is unreasonable and inappropriate to undertake weed removal within the Cudgen Nature Reserve (part of the NSW National Parks and Wildlife Service park system, managed by the OEH) with the current condition implying that this weed management would be required across the full extent of the Nature Reserve.

An important component of weed management for the development relates to slash pine trees (*Pinus elliotti*), an exotic species established in timber plantations, which spreads into native forest and potentially shades out other endemic species. Council has noted in its submission on the modification, and in respect to condition 42, that the development site is the only area in the vicinity of Cudgen Nature Reserve that supports considerable stands of slash pines. It is highly likely that any infestations within Cudgen Nature Reserve originate from the development site.

The inclusion of required weed management within the nature reserve arose from the OEH's consideration of the proposed development, with the current wording taken from the OEH's submission following its consideration of the preferred project report. The OEH has reviewed the modification request and has advised that:

- Cudgen Nature Reserve is managed by the OEH National Parks and Wildlife Service (NPWS) and NPWS was consulted during the formulation of condition 42;
- The intent of this condition was for the proponent to include a buffer area (100m) of weed management within Cudgen Nature Reserve as part of the weed management for the site;
- OEH considers this buffer is relevant to account for the edge effects and indirect impacts to Cudgen Nature Reserve from the approved development; and
- OEH would support the amendment of the condition to reflect the intent to provide for weed management of a 100m buffer within the reserve.

At the meeting between the proponent and the department on 27 March 2014, to discuss the progress of the modification requests, the proponent contended that following previous meetings and agreements with OEH regarding weed management, a buffer of 20m into the reserve had been accepted and there was no agreement for weed management extending up to 100m.

The department agrees that it is unreasonable for the proponent to be expected to undertake unlimited weed management within the Cudgen Nature Reserve, but that weed management should be undertaken with buffer areas extending into the reserve. The extent of these buffers can be subject to the satisfaction of the Secretary, based upon advice from OEH following further negotiations with the proponent about their appropriate extent.

Accordingly it is recommended that the condition be amended to delete the words "including Cudgen Nature Reserve" and insert instead the words "and within ecological buffers including a buffer area within Cudgen Nature Reserve (which is to be determined to the satisfaction of the Secretary, upon advice from the Office of Environment & Heritage)".

5.7 Water and Sewer Reticulation – Condition 31 (Project Approval)

The proponent is seeking to limit water and sewer provision to residential lots only, excluding lots as listed in the proposed definition of 'residential lots' (refer to **Table 2**). The proponent has not specifically justified these amendments; however its intent is clear in that it avoids the need for the proponent or developer to provide these services to all lots within the estate.

Council does not support these amendments as it could result in land (other than residential lots) which should be connected to water and sewer not being provided with these services by the developer. Lots or land which should be provided with reticulated sewer and water, but would not be required to be serviced under the proposed amendments, would include land to be dedicated to council for community and public purposes, parks, and recreation, land within community title subdivisions and other land that may have some residential and commercial entitlement.

The department agrees with the concerns raised by council that the proposed amendments to this condition would lead to a lack of water and sewer reticulation to land where this should be provided by the proponent.

The proponent has reviewed the council's submission and has suggested the following amended wording, to address council's concerns:

*Reticulated water supply and outfall sewerage reticulation shall be provided to ~~all lots~~ **all residential lots and all lots for private occupation, community facilities lots, sports fields, parks, play areas, other utility facilities (pump stations, etc.) but not including proposed environmental open space lots**, within the project in accordance with council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications (as in force at the date of this approval).*

The department supports these amendments suggested by the proponent, which will clarify the lots which will require the provision of reticulated water and sewer, by the proponent, apart from lots to be developed for residential purposes.

On this basis, the inclusion in the words defined in schedule 1 of the project approval of a new definition for a 'residential lot' is unnecessary and unwarranted, as it will not otherwise be relevant to the project approval conditions.

5.8 Road Works and Section 94 Contributions – Condition A10 (Project Approval)

Condition A10 requires that all road works associated with the proposal will be at no cost to council. The proponent is seeking to amend the condition to include reference to developer contribution credits that can apply under the Tweed Road Contribution Plan (TRCP). The proponent proposes that following sentence be added to the condition:

Contribution credits will apply for any works undertaken on the Tweed Coast Road which are included in the TRCP, Section 94 Plan No.4.

The TRCP enables council to levy developer contributions for the provision of additional road capacity to service increased traffic loading as a result of urban growth and/or development demands. The TRCP works program, in schedule 5, makes provision for intersection works (installation of traffic lights) at the intersection of Tweed Coast Road and Kings Forest Parkway, to the value of \$972,400.

Conditions 26 and 28 of the project approval require that the proponent undertake intersection works (provision of a two lane roundabout) at Tweed Coast Road and Kings Forest Parkway. Accordingly, due to the allowance for intersection works in the TRCP, the proponent considers the credit provision of clause 2.11 of the TRCP will apply. These credits apply where development approvals require the construction of works identified in the works program, and are applied in accordance with council's policy, which is set out in schedule 2 of the TRCP.

Council considers that the proposed amendment to the condition is unnecessary, as the TRCP clearly sets out council's credit policy and the proposed amendment is too broad and open to interpretation. The department notes these concerns and therefore considers that the reference to credit provisions in the TRCP can be added as a note to this condition, which would read:

Note: Clause 2.11 and Schedule 2 of Tweed Road Contribution Plan, CP No 4 (TRCP) sets out council's policy in relation to contribution credits for construction of works identified in the Works Schedule of the TRCP.

Condition A10 is recommended to be modified accordingly.

5.9 Other Issues with Proposed Amendments to Terms and Conditions

The department's consideration of the proposed amendments to other terms and conditions is provided in **Table 4** below. These amendments do not raise any significant issues.

Table 4: Consideration of other proposed amendments

Provisions to be amended	Consideration of proposed amendments
<i>Schedule 1 Land</i>	There are no issues related to the inclusion of lots encompassing former and now closed roads within the description of the land to which the project approval applies.
<i>Statutory requirements (condition A9)</i>	<p>The proponent is seeking to include reference to the former section 75U (as continues to apply to transitional Part 3A projects) which lists certain legislative approvals that do not apply to an approved project. The proponent has suggested that the following words be added to the condition:</p> <p>"For avoidance of doubt, nothing in this condition derogates from section 75U of the EP&A Act".</p> <p>The department considers that the intent of this amendment can be more simply dealt with and expressed in a note added to the condition, to read:</p> <p>"Note: This condition does not override the provisions of section 75U of the EP&A Act.</p>
<i>Geotechnical certification (condition 135)</i>	<p>The proponent indicates that certification for building design and construction required under condition 135(1)(b), is normally the responsibility of the future owners or developers of the lots. Condition 135(1)(a) retains a requirement for certification for earthworks.</p> <p>The department supports the deletion of condition 135(1)(b).</p> <p>Council also supports the deletion of condition 135(1)(b) and notes that soil tests will be required to address the bearing capacity of the soil required for footing design in accordance with AS2870 <i>Residential Slabs and Footings Construction</i>, at building construction stage.</p>
<i>Damage to property (condition 138)</i>	<p>The proponent is seeking to amend the condition to clarify that rectification of damage to property applies to public property.</p> <p>The department supports this amendment and clarification.</p> <p>Council also raised no objection to insertion of 'public' in the condition as council's infrastructure is protected. Council notes that any damage to private property may be a civil action between the relevant parties.</p>

<i>Registration of easements/ Restrictions to Use/ Rights of Carriageway (condition 142)</i>	<p>The proponent seeks deletion of condition 142(1)(h), relating to positive covenants to ensure that bushfire asset protection zones are in force in perpetuity, on the basis that it is unreasonable and unnecessary and as the Land and Environment Court does not generally support covenants to enforce approval conditions.</p> <p>The RFS has reviewed this matter and has no objection to the deletion of the condition. The RFS noted that it is not a condition that they had recommended.</p> <p>Council does not object to the removal of condition 142(1)(h) on the basis that condition 142(1)(c) is proposed to be retained, which requires a restriction to be place in title on lots containing asset protection zones requiring them to be maintained, in accordance with relevant provisions of Planning for Bushfire Protection 2006. Council notes that it has a duty of care to ensure that landowners of affected lots are aware of their obligations and it is standard practice for council to apply such conditions to newly created lots on bushfire prone land.</p> <p>On the basis of the above, the department supports the deletion of condition 142(1)(h).</p>
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6. CONCLUSION AND RECOMMENDATIONS

The department has considered the modification requests having regard to the proponent's justifications for the amendments, the intent and objectives of the relevant terms and conditions as set out in the concept plan approval and stage 1 project approval, and the submissions from Tweed Shire Council and the OEH. The department supports in part the proposed amendments to the terms and conditions of the approvals.

The department does not support proposed amendments to term C2 of the concept plan approval, and does not support inclusion of a new definition for residential lots in the project approval, nor the amendments to conditions A9, and A10. The department considers that the amendments to these terms and conditions are either unnecessary, or are inconsistent with the intent and objectives of the existing approved terms and conditions, having regard to previous assessment and deliberations on the proposed development by the department and the PAC.

As indicated in section 5, the department met with the proponent on 27 March 2014 to discuss the progress of the modification requests. The proponent has agreed to various revisions to the amended terms and conditions, as set out in **Appendix C**. The department therefore recommends modification of the instruments of approval, in accordance with the details as set out in **Appendix C**.

Prepared by:
Ray Lawlor, Senior Planner
Industry, Key Sites & Social Projects

Endorsed by:



Chris Ritchie
A/Director
Industry, Key Sites & Social Projects

16/5/14

APPENDIX A MODIFICATION REQUEST

The proponent's submissions on each of the modification requests are available on the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6349

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6351

The proposed amendments are set out in detail in the following **Tables 1 and 2**:

Table 1: Proposed amendments to the concept plan – MP06_0318 MOD 3

Modification	Description
1. <i>Land subject of the approval</i> (Schedule 1)	The following former roads (now closed and owned by Project 28 Pty Ltd) which are included in the concept plan, are to be added to the description of the land to which the concept plan approval applies: <ul style="list-style-type: none">• Lot 2 DP115923;• Lot 11 DP 1178256; and• Lots 1, 2, and 3 DP 1157616
2. <i>Lapsing of the Approval</i> (Term A5)	Term A5 provides that the approval lapses 5 years from the determination, which is 19 August 2015. The proponent is seeking to extend the lapsing period to the end of 2016, to take account of the time needed to meet conditions and requirements of the stage 1 project approval (MP08_0194), before works can commence.
3. <i>Time frames</i> (Terms B4, B5 & B6)	The proponent is seeking to extend the time frames for meeting the requirements of certain terms of the concept plan approval (where these timeframes are currently related to the date of the modified approval, MP06_0318 MOD2, 11 August 2013, or lodgement of the first development application, or prior to the issue of the first construction certificate, whichever occurs first). <ul style="list-style-type: none">• In term B4 (<i>East-West Wildlife Corridors</i>), extend from 12 months to 24 months the time for submission of details for regeneration/revegetation and long term protection of the corridor.• In term B5 (<i>Dedication of Land to Tweed Shire Council</i>) extend from 12 months to 24 months the time for submission of a plan of land to be dedicated to council.• In term B6 (<i>Kings Forest Development Code</i>) extend from 3 months to 12 months the time for submission of a revised development code.
4. <i>Preparation of Precinct specific Management Plans</i> (Term C2)	The proponent is seeking to amend this term by removing requirements for reference to an establishment period in the management plans, and include reference to agreed completion criteria. The proponent is also seeking to include a sentence within this term, so that it is unnecessary for a new management plan to be prepared, if a future application relies on a plan that was included with an earlier application, relating to the same precinct.
5. <i>Open Space -</i>	Term C15 relates to the timing for the establishment and dedication of land

Modification	Description
<i>establishment and dedication</i> (Term C15)	<p>for active open space, which is tied to thresholds related to the initial release of a subdivision certificate for Precinct 4 or release of the 750th lot, then subsequently at construction of 1750th lot, 2750th lot and 3,750th lot.</p> <p>The proponent is seeking to add additional words to this term so as to clarify that the thresholds for the establishment and dedication of land for active open space are only triggered by release of 'residential lots', which would be defined to exclude:</p> <ul style="list-style-type: none"> a) lots intended to be dedicated or transferred to a public authority; b) public utility lots; c) any community title association property; d) lots for open space, recreation, environmental purposes or drainage; and e) lots to be further subdivided by or on behalf of the proponent (which the proponent has subsequently clarified is intended to relate to residue lots or master lots).

Table 2: Proposed amendments to stage 1 project approval – MP08_0194 MOD 1

Modification	Description
1. <i>Land subject of the approval</i> (Schedule 1)	The proponent is seeking to include former roads (closed and now owned by Project 28 Pty Ltd) in the description of the land to which the project approval applies. This is the same as the proposed amendment to schedule 1 of the concept plan.
2. <i>New Definition 'Residential Lot'</i> (Schedule 1)	The proponent is seeking to include a new definition of a 'residential lot' in the list of definitions in the project approval. This new definition is the same as the definition the proponent is also seeking to include in term C15 of the concept plan approval.
3. <i>Statutory requirements</i> (condition A9)	Condition A9 relates to the proponent obtaining and maintaining any further required licences, permits and approvals. The proponent is seeking to amend this condition to include reference to the former section 75U (as continues to apply to transitional Part 3A projects) which lists certain legislative approvals that do not apply to an approved project.
4. <i>Road works and Section 94 contributions</i> (condition A10)	The proponent is seeking to amend condition A10, which requires that road works are at no cost to council, to include reference to developer contribution credits that can apply under the Tweed Road Contribution Plan.
5. <i>Time frames</i> (Conditions 3, 27, 40, 41, 42, 43, 44, 45, 47, 48, and 99)	<p>The proponent is seeking to extend the time frames to meet requirements of various conditions of the project approval for submission of further details for the D-G's approval or satisfaction (where these timeframes are currently related to the date of approval, 11 August 2013, or lodgement of the first development application, or prior to the issue of the first construction certificate, whichever occurs first).</p> <p>In condition 3 (Environmental Offset Areas) extend from 3 months to 9 months the time for the engagement of surveyors to delineate boundaries of offset areas and submission of details of dealings to be registered on title for the land to be dedicated.</p> <p>In the following conditions extend from 12 months to 24 months the time for submission of final plans or reports:</p>

<i>Modification</i>	<i>Description</i>
	<ul style="list-style-type: none"> • Condition 27 - Old Bogangar Road Access; • Condition 40 - Vegetation Management Plans; • Condition 41 - Buffer Management Plans; • Condition 43 - Threatened Species Management Plan); • Condition 42 - Weed Management Plans); • Condition 44 - Feral Animal Management Plans); • Condition 47 - Flora and Fauna Monitoring Report); and • Condition 48 – Summary of Management Plans. <p>In the following conditions extend from 6 months to 24 months the time for submission of a final plan, or amended design:</p> <ul style="list-style-type: none"> • Condition 45 - Koala Plan of Management; and • Condition 99 - Amendments to Design of Rural Supplies Building.
6. <i>Water and sewer (condition 31)</i>	The proponent is seeking to amend condition 31 so that reticulated water and sewer is only required to be provided to 'residential lots' (as proposed to be newly defined in the definitions), and not to all lots.
7. <i>Weed management (condition 42)</i>	<p>Condition 42 requires that weed management plans are amended to provide for the control of weeds within environmental protection areas, including Cudgen Nature reserve.</p> <p>The proponent is seeking to amend condition 42 to remove the need for weed management within Cudgen Nature reserve and instead replace this with weed management within ecological buffers.</p>
8. <i>SEPP 14 wetlands (condition 63)</i>	<p>Condition 63 requires the delineation of the boundaries of SEPP 14 wetland and Cudgen Nature Reserve, prior to commencement of works, in order to prevent unauthorised access.</p> <p>The proponent is seeking to remove reference to SEPP 14 and refer instead to 'environmental protection zones and buffers'.</p> <p>The proponent is also seeking to amend the condition so that the delineation of these areas is only carried out adjacent to or adjoining the relevant stage of the project.</p> <p>The proponent's revised amendments to the condition include provision of staging plans to delineate these areas.</p>
9. <i>Geotechnical certification (condition 135)</i>	The proponent is seeking to delete condition 135(1)(b) related to the need for geotechnical certification, that would certify lots within Precinct 5 as sound for building construction.
10. <i>Damage to property (condition 138)</i>	The proponent is seeking to amend the condition to clarify that rectification of damage to property applies to public property.
11. <i>Registration of easements/ Restrictions to Use/ Rights of</i>	The proponent is seeking to delete condition 142(1)(h) which requires a positive covenant to ensure that bushfire asset protection zones are in force in perpetuity.

Modification	Description
Carriageway (condition 142)	
12. <i>Typographical error</i> (condition 25 - cycleways/footpaths)	A minor typographical error is required to be corrected in condition 25.

APPENDIX B RECOMMENDED MODIFYING INSTRUMENTS

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the modification of the concept plan approval referred to in Schedule 1, subject to the terms in Schedule 2.



Chris Ritchie
A/Director
Industry, Key Sites and Social Projects

Sydney *16 MAY* 2014

SCHEDULE 1

Concept Approval:

06_0318 granted by the then Minister for Planning on 19 August 2010, as modified on 22 December 2010 MOD 1 and 11 August 2013 MOD 2.

For the following:

Residential subdivision, Kings Forest, Tweed LGA

Modification:

MP06_0318 MOD 3:
The modification amends:
Schedule 1, Table, and Schedule 2, terms A5, B4, B5(2), B6, C2 and C15(2).

SCHEDULE 2

The above approval is modified as follows:

SCHEDULE 1

PART A – TABLE

- 1) In row three titled in column 1 “On land comprising”, in column 2, at the end of the list of allotments, insert the following additional allotments: “Lot 2 DP 1159231 (closed road); Lot 1 DP1178256 (closed road) and Lots 1, 2, & 3 DP1157616 (closed roads)”.

SCHEDULE 2

PART A

- 2) In term A5, in the first sentence, delete the words “5 years after the commencement date of the approval” and insert instead the following words “on 31 December 2016”.

PART B

- 3) In term B4, in the last sentence, after the words “for approval within” delete the words “12 months of the date of the modified approval (06_0318 Mod 2)” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.
- 4) In term B5(2), after the words “submitted to the Director-General for approval” delete the words “within 12 months” and insert instead “within 24 months”.
- 5) In term B6, in the last sentence, after the words “submitted to the satisfaction of the Director-General” delete the words “within 3 months of the date of the approval” and insert instead the words “within 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.
- 6) In term C2, following the first two sentences, insert the following sentence:

“It is not necessary for new plans to be prepared if an application relies on, and does not affect, a plan that was included with an earlier application relating to the same period.”

- 7) In term C15(2), at the end of the condition, insert the following:

“In this clause a ‘lot’ means a residential lot identified in a registered plan of subdivision, and, for the avoidance of doubt, does not include a lot that is created for one or more of the following purposes:

- (a) to be dedicated or otherwise transferred to a public authority; or
 - (b) for any public utility undertaking (within the meaning of the Standard Instrument (Local Environmental Plans) Order 2006 as at the date of approval; or
 - (c) to be association property within the meaning of the *Community Land Development Act, 1989*; or
 - (d) for open space, recreation, environmental conservation, drainage or riparian land management; or
 - (e) a residue or master lot, which is to be further subdivided (by or on behalf of the proponent).
-

- 121 traditional detached dwellings
(minimum lot size 400sqm)

Modification:

MP08_0194 MOD 1:

The modification amends;

Schedule 1, Land

Schedule 2, Conditions A9, A10, 3, 25(3), 27(1), 31(1),
40(2), 41(1), 41(2), 42(2), 43(5), 44(3), 45(2), 47(6),
48, 63, 99(2), 135(1), 138(1) &142(1).

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions listed in Schedule 2.



Chris Ritchie

A/Director

Industry, Key Sites and Social Projects

Sydney *16 MAY* 2014

SCHEDULE 1

Project Approval:

08_0194 granted by the then Minister for Planning and Infrastructure on 11 August 2013.

For the following:

Kings Forest - modification requests (minor amendments), including:

- subdivision of the site into ten development lots in 4 stages;
- bulk earthworks across the site;
- roadworks comprising:
 - construction of the entrance road and associated intersection works with Tweed Coast Road;
 - construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and
 - construction of two roads providing access to the southern site precincts;
- Plan of Development for Precinct 5;
- development of 2,036sqm of floorspace for a rural supplies building and access arrangements to Precinct 1;
- construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5
- subdivision of Precinct 5 into 376 residential lots comprising:
 - one townhouse lot (7,860sqm)
 - 37 terrace house lots (minimum lot size 150sqm)
 - 25 plexes (minimum lot size 450sqm)
 - 192 zero lot dwellings (minimum lot size 240sqm)

SCHEDULE 2

The above approval is modified as follows:

SCHEDULE 1

Land:

In the list of allotments, insert the following additional allotments: "Lot 2 DP 1159231 (closed road); Lot 1 DP1178256 (closed road) and Lots 1, 2, & 3 DP1157616 (closed roads)".

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

- 1) In condition A9, at the end of the condition, insert the following sentence:

"Note: This condition does not override the provisions of section 75U of the EP&A Act".

- 2) In condition A10, at the end of the condition, insert the following sentence:

"Note: Contribution credits will apply for any works undertaken on the Tweed Coast Road which are included in the TRCP, Section 94 Plan No.4".

PART ONE – SUBDIVISION OF ENTIRE SITE

- 3) In condition 3, at the beginning of the first sentence, delete the words "Within 3 months" and insert instead the words "Within 24 months".
- 4) In condition 25(3), at the end of the first sentence, after the word "residential", insert the word "lot".
- 5) In condition 27(1) after the words "approval within" delete the words "12 months" and insert instead the words "24 months".
- 6) In condition 31(1) delete the words "all lots" and insert instead words "all residential lots and all lots for private occupation, community facilities lots, sport fields, parks, play areas, other utility facilities (pump stations, etc.) but not including proposed environmental open space lots".
- 7) In condition 40(2) after the words "approval within" delete the words "12 months of this approval" and insert instead the words "6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*".
- 8) In condition 41(3) after the words "approval within" delete the words "12 months of this approval" and insert instead the words "6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*".
- 9) Delete condition 42.

10) Insert new condition 42 as follows:

42.

The Weed Management Plans shall be amended to ensure that:

- 1) Control of all weeds will occur:
 - a. in Environmental Protection Zones located on the Kings Forest site; and
 - b. for a distance of 20 metres into the adjacent Cudgen Nature Reserve.
- 2) Control of Slash Pine only will occur for a further distance of 80 metres into Cudgen Nature Reserve.
- 3) Weed management activities should be undertaken utilising bush regeneration techniques including stem injection.

11) In condition 42(2) after the words approval within” delete the words “12 months of this approval” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.

12) In condition 43(5) after the words approval within” delete the words “12 months of this approval” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.

13) In condition 44(3) after the words approval within” delete the words “12 months of this approval” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.

14) In condition 45(2), after the words “approval within” delete the words “6 months of this approval” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.

15) In condition 47(6) after the words approval within” delete the words “12 months of this approval” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.

16) In condition 48 after the words approval within” delete the words “12 months of this approval” and insert instead the words “6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environment Protection and Biodiversity Conservation Act*”.

17) In condition 63:

- a) In the first sentence, delete the words “the SEPP 14 wetland” and insert instead the words “the environmental protection zones and buffers”; and
- b) After the first sentence, insert the following sentence “Staging Plans shall be submitted to the satisfaction of the Director-General, prior to the issue of a Construction Certificate for bulk earthworks within each relevant Precinct, showing the area of works to be undertaken and with the boundaries of adjoining

environmental protection zones and buffers being clearly delineated within each Precinct”.

18) In condition 99(2), after the words “approval within” delete the words “6 months” and insert instead the words “24 months”.

19) Delete condition 135(1)b

20) In condition 138(1), after the word “damage to” insert the word “public”.

21) Delete condition 142(1)(h).

APPENDIX C RECOMMENDED AMENDMENTS TO TERMS AND CONDITIONS OF APPROVAL

MP06_0318 MOD 3	Supported / Not supported	Recommendations
<i>Land subject of the approval</i> (Schedule 1)	Supported	Recommend that the closed roads be added to land description in Schedule 1.
<i>Lapsing of the Approval</i> (Term A5)	Supported	Recommend that the lapsing period be extended up to 31 December 2016.
<i>Time frames</i> (Term B4 & B6)	Not supported	Recommend the timing specified in Term B4 for submission of details for regeneration/revegetation and long term protection of the east/west wildlife corridor, and in B6 for the submission of a revised <i>Kings Forest Development Code</i> , be extended from 12 months of the modified approval, to 6 months from the date of determination of the application (No. 2012/2328) in relation to carrying out controlled activities on the site, made under sections 130(1) and 133 of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i> .
<i>Timeframes</i> (Term B5)	Supported	Recommend extending the time for submission of council land dedication plan to 24 months.
<i>Preparation of Precinct specific Management Plans</i> (Term C2)	Supported in part	<p>The department does not support removing requirements for reference to an 'establishment period' in the management plans and inclusion of reference to 'agreed completion criteria'.</p> <p>The department, however, supports other proposed amendments and recommends the inclusion of an additional sentence in this condition, in accordance with the wording suggested by council (and as agreed by the proponent), with the amended condition reading as follows:</p> <p><i>All future applications are to include precinct-specific management plans providing details on timelines for implementation of recommended works including both establishment and maintenance periods and measurable performance criteria. Each plan is to include an annual maintenance schedule of works following the initial establishment period and ongoing monitoring requirements.</i></p> <p><i>It is not necessary for new plans to be prepared if an application relies on and does not affect a plan that was included with an earlier application relating to the same period.</i></p> <p><i>Each plan must consider all other existing plans for the site to ensure management strategies do not conflict and that each plan can be implemented without negatively impacting on the objectives of another.</i></p>
<i>Open Space - establishment and dedication</i>	Supported in part	<p>The department recommends the inclusion of the following sentences at the end of the condition:</p> <p><i>Unless otherwise approved by the Director-General, the</i></p>

(Term C15)		<p>first 4ha of active open space (sports fields) are to be embellished and dedicated to council with the release of the 750th lot or the release of a subdivision certificate for Precinct 4, whichever occurs first. The provision of sports fields and sport field embellishment must be to the satisfaction of council. Subsequent sports field embellishment and dedication is to occur at the rate of 4ha per 750 lots constructed (that is, prior to the construction of the 1750th lot, 2750th lot, and 3,750th lot). No further subdivision certificates will be released beyond these thresholds until each required sports field area is embellished and dedicated in accordance with this staging schedule.</p> <p><i>In this clause of term C15 a 'lot' means a residential lot identified in a registered plan of subdivision, and, for the avoidance of doubt, does not include a lot that is created for one or more of the following purposes:</i></p> <p><i>(a) to be dedicated or otherwise transferred to a public authority;</i></p> <p><i>(b) for any public utility undertaking (within the meaning of the Standard Instrument (Local Environmental Plans) Order 2006 as at the date of this approval);</i></p> <p><i>(c) to be association property within the meaning of the Community Land Development Act 1989; or</i></p> <p><i>(d) for open space, recreation, environmental conservation, drainage or riparian land management; or</i></p> <p><i>(e) a residue or master lot, which is intended to be further subdivided, by or on behalf of the proponent.</i></p>
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MP08_0194 MOD 1	Supported / Not Supported	
Land subject of the approval (Schedule 1)	Supported	Recommend that the closed roads be added to land description
New Definition of 'Residential Lot' (Schedule 1)	Not supported	The new definition is considered unnecessary and unwarranted based upon the revised amendments condition 31.
Statutory requirements (condition A9)	Not supported	<p>Recommend the addition of a note at the end of the condition, for clarification of the matters raised by the proponent, with the amended condition reading as follows:</p> <p><i>The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. 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.</i></p> <p><i>Note: This condition does not override the provisions</i></p>

		of section 75U of the EP&A Act.
Road works and Section 94 contributions (condition A10)	Not supported	<p>The department does not support the proposed amendment to the condition but instead, recommends the addition of a note at the end of the condition, for clarification of the matters raised by the proponent, with the amended condition reading as follows:</p> <p><i>All road works associated with the proposal will be at no cost to council.</i></p> <p>Note: Contribution credits will apply for any works undertaken on the Tweed Coast Road which are included in the TRCP, Section 94 Plan No.4.</p>
Timeframes (conditions 3, 27 and 99)	Supported	Recommend amendments to conditions 3, 27 and 99, to extend timeframes up to 24 months
Timeframes (conditions 40, 41, 42, 43, 44, 45, 47, 48)	Not supported	Recommend extended timeframes, for meeting the requirements listed in the remaining conditions, up to 6 months of the date of determination of the application (No. 2012/2328) made under the provisions of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i> .
Water and sewer (condition 31)	Supported.	<p>Recommend amendments to the condition based on the proponent's changes to the proposed wording of the condition, (following the proponent's consideration of council's submission). Recommend inclusion of clarification regarding lots which will require water and sewer services, so that the condition will read as follows:</p> <p><i>Reticulated water supply and outfall sewerage reticulation shall be provided to all lots all residential lots and all lots for private occupation, community facilities lots, sports fields, parks, play areas, other utility facilities (pump stations, etc.) but not including proposed environmental open space lots, within the project in accordance with council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications (as in force at the date of this approval).</i></p>
Weed management (condition 42)	Not supported.	<p>Recommend that the condition be amended to delete the words "including Cudgen Nature Reserve" and insert instead the words "and ecological buffers, including a buffer area of 100m within Cudgen Nature Reserve", and recommend that the condition be amended to read as follows:</p> <p><i>The Weed Management Plans shall be amended to ensure that the control of weeds (including Slash Pine) within environmental protection zones, including the Cudgen Nature Reserve, and within ecological buffers including a buffer area within Cudgen Nature Reserve, which is to be determined to the satisfaction of the Director-General, upon advice from the Office of Environment & Heritage, should be undertaken utilising bush regeneration techniques including stem injection.</i></p>
SEPP 14 wetlands	Supported in part	Recommend amendments to the condition deleting reference to SEPP 14 wetlands and replacing this with

(condition 63)		<p>environmental protection zones and buffers.</p> <p>Recommend restricting the condition requirements to areas adjacent to or adjoining the relevant stage of the project, on the basis of further revisions to the condition to provide for staging plans, generally in accordance with the revisions provided by the proponent following a meeting on 27 March 2014 to discuss the modification requests.</p> <p>Recommend that the condition be amended to read as follows:</p> <p><i>Prior to the commencement of works for any stage of the project, the SEPP 14 wetland environmental protection zones and buffers and Cudgen Nature Reserve boundaries adjacent to or adjoining that stage must be clearly delineated on-site to prevent unauthorised access to these areas. Staging Plans shall be submitted to the satisfaction of the Director-General, prior to the issue of a Construction Certificate for bulk earthworks within each relevant Precinct, showing the area of works to be undertaken and with the boundaries of adjoining environmental protection zones and buffers being clearly delineated within each Precinct. Temporary signage should be erected to ensure that construction workers are aware of the need to avoid and protect these sensitive areas. Design of the temporary fence should allow movement of native fauna present in the area. Temporary fencing and signage should incorporate all Environment Protection Zones including any of the ecological buffers proposed for dedication as part of Cudgen Nature Reserve.</i></p>
Geotechnical certification (condition 135(1)b))	Supported	Recommend the deletion of condition 135(1)b.
Damage to property (condition 138(1))	Supported	<p>Recommend the condition be amended to read as follows:</p> <p><i>Any damage to public property (including pavement damage) is to be rectified to the satisfaction of the PCA prior to the issue of a Subdivision Certificate.</i></p>
Registration of easements/ Restrictions to Use/ Rights of Carriageway (condition 142(1)(h))	Supported	Recommend the deletion of condition 142(1)(h).
Typographical error (condition 25 – cycleways / footpaths)	Supported	Recommend amendment to correct an error in the condition.

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Garry West
Member of the Commission

Sydney



Jan Murrell
Member of the Commission

20 November 2014

SCHEDULE 1

Project Approval:

08_0194 granted by the Minister for Planning and Infrastructure on 11 August 2013, as modified on 16 May 2014 MOD 1.

Proponent:

Project 28 Pty Ltd

For the following:

Kings Forest Residential Subdivision, Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5 into 376 residential lots. Construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5.

Approval Authority:

Minister for Planning

Land:

Kings Forest Estate
Lot 76, 272, 323 and 326 of DP 755701;
Lot 6 DP 875446;
Lot 2 DP 819015;
Lot 1 DP 706497;
Lot 40 DP 7482;
Lot 38A DP 13727;
Lot 38B DP 13727;
Lot 1 DP 129737;
Lot 1 DP 781633;
Lot 7 DP 875447;
Lot 37A DP 13727,
Lot 1 DP 1178256 (closed road); and
Lot 1, 2 & 3 DP 11757616 (closed roads).

Modification:

08_0194 Modification 2 involving:

- Minor amendments to the definitions and associated administrative modifications;
- Amendments to the management of dedicated lands (condition A13);
- Amendments to the timing of site subdivision (condition 1(1));
- Amendments to the timing of survey plans and form dealings (condition 3);
- Amendments to certification of compressible clay material in precincts;
- Amendments to the timing of the baseline monitoring requirements;
- Amendments to the timing of Koala food tree plantings in suitable locations;
- Amendments to the timing and process of environmental audits;
- Amendments to the bond for environmental restoration works;
- Amendments to the dust mitigation measures during construction;
- Amendments to public reserves and drainage reserves;
- Amendments to the telephone and electrical services requirement.

SCHEDULE 2

The above approval is modified as follows:

DEFINITIONS

1. Delete the following definitions in Schedule 1:

Land to be dedicated to Council in the Future;
Council Dedicated Land Plan;
Director-General;
Establishment Period;
Maintenance Period; and
Offset Area.

And insert the following definitions in Schedule 1 in alphabetical order:

Establishment Period means the period commencing with the implementation of the relevant approved environmental management plan(s) and ending when the works specified in that plan meet the establishment period performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the Secretary. The establishment period represents the time necessary to carry out initial environmental repair, restoration and monitoring prior to ongoing maintenance.

Future OEH Land means the land identified in the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C.

Maintenance Period means the period commencing immediately after the end of the establishment period during which environmental management and monitoring works specified in the relevant approved environmental management plan(s) are to be carried out in accordance with the maintenance period performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the Secretary.

Potential Council Land Plan means the plan 'Potential Council Land Plan with Work Areas', prepared by Landsurv dated 6 December 2013, Revision E, as amended in accordance with Condition B5.

Potential Council Land means the land identified as 'potential Council land' on the Potential Council Land Plan.

Secretary means the Secretary of the Department of Planning and Environment or his/her nominee.

2. Replace ALL references to 'Director-General' in Schedule 2 with 'Secretary'.

3. Replace condition A1.2) in Schedule 2 with the following:

Project Description

A1. Project approval is granted only to:

PART TWO – BULK EARTHWORKS AND CIVIL WORKS

- 2) Staged bulk earthworks across the site in order to create development pads for development areas in Precincts 1, 2 and 4 to 14 in accordance with the plans referred to in condition A3.

4. Replace condition A13 in Schedule 2 with the following:

Management and Maintenance of Environmental Lands

A13. The proponent is responsible for the management of all Potential Council Land and Future OEH Land for conservation purposes and the implementation of all establishment period and maintenance period works specified in all Environmental Management Plans from the date of the commencement of the project, or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

5. Replace condition A15 in Schedule 2 with the following:

Dispute Resolution

A15. In the event that a dispute arises between the proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter may be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the EP&A Act.

6. Replace condition 1.1) in Schedule 2 with the following:

Subdivision of Kings Forest Estate

1. 1) The proponent shall subdivide the site. The subdivision at this stage shall be generally in accordance with the following plans:

Plan of Subdivision prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13

7. Replace condition 3 in Schedule 2 with the following:

Environmental Offset Areas

3. Prior to commencing any Bulk Earthworks in a Precinct, or as otherwise agreed between the Proponent and the Secretary, the Proponent shall:

- a) engage a registered surveyor to prepare survey plan(s) and permanently mark the boundaries of the:
 - i) the contiguous area of Potential Council Land; and
 - ii) the contiguous area of Future OEH Land

immediately adjacent to the Precinct (unless the relevant contiguous area has already been marked due to the earlier commencement of Bulk Earthworks in another Precinct). A staging plan for the survey works is to be submitted to the Department prior to the commencement of the project.

- b) where relevant, submit amended plans of proposed subdivision to the Secretary for approval that show the relevant contiguous Potential Council Land and the relevant contiguous Future OEH Land as separate lots;
- c) ensure that the boundaries marked by the surveyor remain marked at all times in a permanent manner that allows operating staff, the landowner and inspecting officers to clearly identify those boundaries; and
- d) submit for the Secretary's approval, a form of dealing(s) to be registered on the title to the Potential Council Land and the Future OEH Land that must:
 - i. bind all future landowners;
 - ii. provide for the management of the Potential Council Land and the Future OEH Land for conservation purposes including the implementation of relevant Environmental Management Plans, in perpetuity;
 - iii. permit access to the Potential Council Land and the Future OEH Land by the Department, the OEH and Council at all times for the purpose of monitoring compliance with relevant covenants and the Environmental Management Plans; and
 - iv. provide for a release of any registered dealings in circumstances where all or part of the Potential Council Land or the Future OEH Land are transferred to a public authority.
- e) Where the Potential Council Land or the Future OEH Land is not subject to any amended plans of subdivision, the Proponent must within 1 month of the Secretary's approval of the dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the Potential Council Land or the Future OEH Land and provide to the Secretary evidence of such registration within 10 days of the dealing(s) being registered.
- f) Where Potential Council Land or the Future OEH land is subject to any amended plans of subdivision, the Proponent must within 3 months of the later of the Secretary's approval of the amended plans of subdivision under condition 3(b) or the Secretary's approval of dealing(s) referred to in condition 3(d), lodge for registration the dealing(s) on the relevant titles to the Potential Council Land or the Future OEH Land to the Director-General evidence of such registration within 10 days of the dealing(s) being registered.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

8. Replace condition 13 in Schedule 2 with the following:

Compressible Clay Material in Precincts 11, 12 to 14.

13.

- 1) Areas of compressible clay material in Precincts 11, 12-14 (Bulk Earthworks Sequences/Stages 3 & 4) are to be to the satisfaction of a practicing geotechnical engineer.
- 2) Prior to the issue of a Construction Certificate for the filling of any area within Precincts 11, 12 - 14 a detailed geotechnical investigation is to be carried out by an appropriately qualified practising geotechnical engineer to the satisfaction of the Secretary. The investigation is to identify any areas of compressible clay materials which may require preloading or other forms of treatment necessary to deliver the appropriate consolidation to suit future development.
- 3) All earthworks are to be carried out in accordance with AS3798-2007 (Guidelines on earthworks for commercial and residential Developments) under Level 1 supervision and in accordance with the requirements of the findings of the detailed geotechnical investigation as per condition in 2) above. Any preloading or other forms of work carried out to ensure the appropriate consolidation of any compressible clay materials are to be monitored and assessed against the relevant performance criteria.
- 4) At the completion of the works and prior to the issue of a subdivision certificate for any proposed allotments within Precincts 11, 12-14 an appropriately qualified practising geotechnical engineer is to provide certification that all filling works have been carried out under Level 1 Supervision in accordance with AS3798-2007 and, where applicable, compressible clay materials have achieved the required levels of consolidation.

9. Replace condition 37.1) in Schedule 2 with the following:

Baseline Monitoring

37.

- 1) Prior to the issue of the first Construction Certificate, the proponent must demonstrate to the satisfaction of the Department that sufficient baseline monitoring has commenced in accordance with the relevant Environmental Management Plans, including the following:
 - a. Flora and Fauna Monitoring Report;
 - b. Groundwater Management Plan;
 - c. Overall Water Management Plan; and
 - d. Stormwater Management Plan.

10. Replace condition 45 in Schedule 2 with the following:

Koala Plan of Management

45. The Koala Plan of Management shall be amended as follows:

1) A revised offset strategy for the loss of Koala food trees incorporating the following:

- a. the restoration and planting of Koala food trees offsite (a 27ha area of land has been nominated by OEH and identified in Map 1.(attached));
- b. Planting of Koala food trees in the new east-west corridor as required by Term B4 of the Concept Plan approval;
- c. planting of Koala food trees in other suitable locations across the site within each relevant precinct of the development in general accordance with the plan titled "Proposed Koala Compensatory Habitat Area Staging Plan, Condition 45, Figure 1, JWA Pty Ltd, 29 April 2014", and as modified by any approval of the revised Koala Plan of Management under this condition. The timing of plantings shall be in accordance with the approved revised Koala Plan of Management required by Condition 45(2);
- d. Koala food tree plantings are to be minimised in areas that are identified as naturally regenerating.

2) The amended KPoM approval shall include details of the Koala food tree planting schedule with numbers and staging and be prepared in consultation with council and submitted to the Director-General for approval within 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the *Commonwealth Environmental Protection and Biodiversity Conservation Act* or prior to issue of any construction certificate, whichever occurs first.

3) The amended KPoM shall have regard to any determination of the NSW Scientific Committee established by the *Threatened Species conservation Act 1995*.

11. Replace condition 49 in Schedule 2 with the following:

Environmental Audit Reports

49.

- 1) Within 3 months of the establishment period, the proponent must conduct an environmental audit ("Initial Audit") for each part of the Potential Council Land to confirm that the establishment period and any relevant maintenance period criteria have been met. The Initial Audit(s) must be prepared by a suitably qualified independent environmental consultant, reviewed by Council and approved by the Secretary.
- 2) Within 3 months after each of the first and third anniversaries, and then subsequently every 2 years, of the Secretary's approval of the Initial Audit(s) for each part of the Potential Council Land, the Proponent shall submit to Council for review, and the Secretary for approval, environmental audits prepared by a suitably qualified independent environmental consultant. Those environmental audits must review the condition of the Potential Council Land against the agreed maintenance period performance criteria specified in each Environmental Management Plan until the affected lands have been transferred into public ownership. Environmental audit reports shall itemize all costs associated with the implementation, monitoring and reporting of all maintenance period works and include audited financial statements.

- 3) Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.
- 4) Within 3 months of submitting an audit report to the Secretary, the Proponent shall review and if necessary revise the relevant management plans and undertake additional mitigation measures as required under this approval to the satisfaction of the Secretary.

12. Replace condition 50 in Schedule 2 with the following:

Bond for Environmental Restoration and Maintenance Works

50.

- a) Prior to commencement of bulk earth works for each precinct a cash bond or bank guarantee shall be lodged with Council to ensure that the relevant environmental management plans for the associated Potential Council Land (as outlined by the Potential Council Land Plan detailed in condition B5 of the concept plan) is implemented. The amount of such bond will be based on 135% of the cost of the environmental works (repair and/or enhancement) for the associated precinct/Potential Council Land for the establishment period specified in the approved environmental management plans. Two written quotes from suitably experienced and qualified contractors must be submitted to the Council which detail the cost of all works required.

The cash bond or bank guarantee will be refunded, following the written approval from the Secretary of the environmental audit for the associated Potential Council Land as per condition 49(1).

- b) Once the establishment period has been completed, every 2 years the Proponent shall lodge a cash bond or bank guarantee with Council to ensure that the relevant environmental management plans for the Potential Council Land are implemented for that 2 year maintenance period. The amount of such bond will be based on 135% of the cost of the environmental maintenance works for the associated precinct/Potential Council Land (as outlined by the Potential Council Land Plan detailed in condition B5 of the concept plan) for that 2 year period, or until the completion criteria specified in the environmental management plans are met as required by Condition 39, and the land is transferred to public ownership. Two written quotes from suitably experienced and qualified contractors must be submitted to the Council which detail the cost of all works required in the relevant 2 year maintenance period.
- c) The cash bond or bank guarantee will be refunded at the end of each two year maintenance period subject to the Audit Report confirming that the requirements of the approved environmental management plans have been implemented by the Proponent.
- d) Monitoring of the effectiveness of the environmental works (repair, enhancement and/or maintenance) is to be undertaken in accordance with Condition 49. Any supplementary or approved adaptive management works deemed necessary by the independent contractor shall be promptly undertaken once the need is identified.

- e) Bi-annual bonding will no longer be required following the Proponent providing evidence to the Secretary that the final audit has been conducted in accordance with Condition 49 which demonstrates that the relevant works have been completed and written evidence is provided to the Secretary that the lands have been transferred into public ownership.

13. Replace condition 52 in Schedule 2 with the following:

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 55);
 - ii. noise and vibration management (see condition 56);
 - iii. construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition 57);
 - iv. erosion and sediment control for the entire Kings Forest Estate (see condition 54);
 - v. dust management to include:
 - identification of all dust emission/sources for each stage of the project;
 - identification of appropriate air quality goals/management criteria; and
 - details of all dust management and/or dust mitigation measures required to achieve the air quality goals/criteria for the construction works.
 - 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 unless otherwise approved as part of this approval in Condition 9, at any time to reduce exposed areas.

- 3) The CEMP shall be prepared in consultation with the Council and submitted for the approval by the Secretary no later than one month prior to the commencement of construction works. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Secretary, 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 Secretary and Council for information. Construction shall not commence until written approval has been received from the certifying authority.

14. Delete condition 82 in Schedule 2

15. Replace condition 148 in Schedule 2 with the following:

Public Reserves and Drainage Reserves

148. The Proponent must make necessary arrangements for the progressive dedication of the public reserves and drainage reserves within Precinct 5 on the registration of the relevant plan of subdivision for each stage. Areas to be dedicated are to be consistent with sheets 1 to 11 'Plan of Proposed Subdivision of Lot 2 (Precinct 5) Kings Forest For Stage 1 Project Application' dated 5 September 2012, revision D, prepared by Landsurv Pty Ltd.

16. Replace condition 149 in Schedule 2 with the following:

Dedication of Land to OEH

149. In accordance with the terms of the Concept Plan approval (06_0318), the Proponent must provide evidence of an agreement for the dedication to the OEH of at least approximately 150ha of land as addition to the Cudgen Nature Reserve prior to the release of a subdivision certificate under Part 4 of this approval for Precinct 5. The land to be dedicated is that land shown on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' Revision C, dated 23 August 2012 (listed in condition A3). Such an agreement must outline the Proponent's commitment to establish boundary fences, access trails and fire trails to the satisfaction of the OEH prior to the land being added to the Cudgen Nature Reserve.

The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest and weed management plans. The funding should be sufficient to ensure actions within the Environmental Management Plans, as amended under this approval, relevant to the new additions are able to be completed.

17. Replace condition 156.2) in Schedule 2 with the following:

Services – Telephone and Electricity Services and Federal Government's National Broadband Network (NBN)

156.
 - 2) 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 the allotment must be submitted prior to the issue of a Subdivision Certificate for each stage of the project.



Issued: 20 February 2017 3:20 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2016/00178476

TITLE OF PROCEEDINGS

First Applicant	Project 28 Pty Ltd
First Respondent	Minister for Planning

DATE OF JUDGMENT/ORDER

Date made or given	20 February 2017
Date entered	20 February 2017

TERMS OF JUDGMENT/ORDER

Pursuant to UCPR 36.17, the slip rule, amend orders of 31 January 2017 (Annexure A & B, schedule 2, terms 3, proposed conditions A3) reads as follows:

(1) In Annexure "A" Schedule 2, Conditions:, term 3, proposed condition A3, paragraph (i), omit '14 December 2016' and instead insert '7 December 2016'.

(2) In Annexure "A" Schedule 2, Conditions:, term 3, proposed condition A3, paragraph (l), omit '5 October 2016' and instead insert '13 October 2016'.

(3) In Annexure "B" Schedule 2, Conditions: condition A3, paragraph (i), omit '14 December 2016' and instead insert '7 December 2016'.

(4) In Annexure "B" Schedule 2, Conditions: condition A3, paragraph (l), omit '5 October 2016' and instead insert '13 October 2016'.

As a consequence, the final orders made on 31 January 2017 to give effect to the parties' agreement, as amended on 20 February 2017, are:

(1)The Applicant is granted leave to rely on the amended plans and documents referred to in the conditions of approval contained in Annexure "A".

(2)The appeal is upheld.

(3)Modification no. MP08-0194 MOD 3 to modify Project Approval no. MP08-0194 to facilitate a proposed service station and associated food and drink premises located within Kings Forest Precinct 1 on land identified as Lot 7 DP 875447 Tweed Coast Road Kings Forest is determined by approving the modifications set out in Annexure "A".

(4)As a consequence of the above Orders, Project Approval no. MP08-0194 is now subject to consolidated, modified conditions of approval set out in Annexure "B".

was voided.

SEAL AND SIGNATURE



Signature J Gray
Capacity Registrar
Date 20 February 2017

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

FURTHER DETAILS ABOUT Applicant(s)

First Applicant
Name Project 28 Pty Ltd
Address 46 Cavill Avenue
SURFERS PARADISE QLD 4217
Telephone
Fax
E-mail
Client reference AJWS/SPOS/3194778

Legal representative for plaintiffs

Name SEAN AARON GADIEL
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FURTHER DETAILS ABOUT Respondent(s)

First Respondent

Name Minister for Planning
Address Department of Planning and Environment
23 - 33 Bridge Street
SYDNEY NSW 2000
Frequent User Identifier MFP

ATTACHMENTS TO ORDERS

(178476.16 Chilcott (C) Annexure A_Amended 20.2.2017.pdf)
(178476.16 Chilcott (C) Annexure B_Amended 20.2.2017.pdf)

[attach.]

ANNEXURE "A"
Project 28 Pty Ltd v Minister for Planning

SCHEDULE 1

Application No.:	08_0194
Proponent:	Project 28 Pty Ltd
Approval Authority:	Minister for Planning
Land:	<p>Kings Forest Estate Lot 76, 272, 323 and 326 of DP 755701; Lot 6 DP 875446; Lot 2 DP 819015; Lot 1 DP706497; Lot 40 DP7482; Lot 38A DP 13727; Lot 38B DP 13727; Lot 1 DP 129737; Lot 1 DP 781633; Lot 7 DP 875447; Lot 37A DP 13727, Lot 2 DP 1159231 (closed road) Lot 1 DP 1178256 (closed road); and, Lot 1, 2 & 3 DP 11757616 (closed roads).</p>
Project:	<p>Kings Forest Residential Subdivision Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5, including:</p> <ul style="list-style-type: none">• subdivision of the site into ten development lots in 4 stages;• bulk earthworks across the site;• roadworks comprising:<ul style="list-style-type: none">- construction of the entrance road and associated intersection works with Tweed Coast Road;- construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and- construction of two roads providing access to the southern site precincts;• Plan of Development for Precinct 5;• development of 998 sqm of floorspace for a service station and food and drink premises and access arrangements to Precinct 1;• construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5;• subdivision of Precinct 5 into 376 residential lots comprising:<ul style="list-style-type: none">- one townhouse lot (7,860sqm)- 37 terrace house lots (minimum lot size 150sqm)- 25 duplexes (minimum lot size 450sqm)- 192 zero lot dwellings (minimum lot size 240sqm)

- 121 traditional detached dwellings (minimum lot size 400sqm)

SCHEDULE 2

CONDITIONS

1. Insert the following definitions in alphabetical order:

Food and Drink Premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes a restaurant or cafe, take away food and drink premises.

Service Station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, for the cleaning of motor vehicles and the ancillary retail selling or hiring of general merchandise or services or both.

UPSS means Underground Petroleum Storage Systems

UPSS Regulation 2014 means Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

2. Delete condition A1(5) in Schedule 2 and insert the following:

PART THREE – CONSTRUCTION OF PRECINCT 1

5) Construction of 998 sqm of floorspace for a service station/food and drink premises, including carparking and landscaping.

3. Delete condition A3 in Schedule 2 and insert the following:

Terms of approval

The Proponent shall carry out the project generally in accordance with the:

- (a) Environmental Assessment prepared by JBA Planning dated November 2011
- (b) Preferred Project Report prepared by Darryl Anderson Consulting dated October 2012, including Appendices 1 to 30
- (c) Revised Statement of Commitments at Schedule 3 of this approval
- (d) The 'S75W Modification No. 3' report prepared by DAC Planning Pty Ltd, dated September 2015
- (e) Bitzios – Traffic Impact Assessment, 5 October 2016
- (f) DAC Planning, Position Paper, August 2016
- (g) DAC Planning, Position Paper Acoustic & Light Spill Impacts, October 2016
- (h) Gilbert & Sutherland, Site Based Management Plan, 9 December 2016
- (i) Gilbert & Sutherland, Letter, 7 December 2016
- (j) Gilbert & Sutherland, Groundwater Conditions, October 2016
- (k) DAC Planning, Letter re Condition 27, 13 October 2016 and Tweed Shire Council reply dated 11 November 2016
- (l) MDA Consulting, Position Paper re Lighting, 13 October 2016
- (m) Gilbert & Sutherland, Position Paper Conceptual Stormwater Assessment, November 2016
- (n) CRG Acoustics, Position Paper Acoustical Issues, 5 October 2016
- (o) Mortons Urban Solutions, Letter, 29 November 2016
- (p) Place Design Group, Landscape Statement of Intent, Issue C, October 2016
- (q) Biztios, Letter, 28 November 2016
- (r) Letter from DAC Planning Pty Ltd to Department of Planning and Environment dated 27 January 2017
- (s) Conditions of this approval; and
- (t) The following drawings:

Civil Drawings Prepared by Mortons Urban Solutions – Precinct 1 and 2			
Drawing No.	Revision	Name of Plan	Date
12301-SK-050	A	Kings Forest Precincts 1-5 Earthworks Phasing Diagram	29.01.13
12301-EMAW-007	C	Road Hierarchy & Staging Plan	30.08.12
12301-EMAW-010	B	Sediment & Erosion Concept Plan	30.08.12
12301-EMAW-030	C	Bulk Earthworks Cutoff Plan Sheet 01	27.08.12
12301-EMAW-031	C	Bulk Earthworks Cutoff Plan Sheet 02	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 3, 4 and 5			
Drawing No.	Revision	Name of Plan	Date
12301-05-007	B	Road Hierarchy and Staging Plan	27.08.12
12301-05-008	B	Indicative Staging Plan	27.08.12
12301-05-010	B	Sediment and Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 6-11			
Drawing No.	Revision	Name of Plan	Date
12301-EWB-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Golf Course Precincts 12-14			
Drawing No.	Revision	Name of Plan	Date
12301-GC-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Subdivision Plans Prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013

Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 1 of 1	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 1 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 2 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 3 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 4 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 5 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 6 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 7 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 8 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 9 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 10 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 11 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
113691-LD-1f	F	Indicative Subdivision Plan Precinct 5	12 October 2012
113691-STP-10a	A	Precinct 5 Indicative Staging Plan	12 October 2012
Sheet 1 of 1	C	Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development	23.08.12
Architectural Plans Prepared by Push – Precinct 1			
Drawing No.	Revision	Name of Plan	Date
DA0000	G	Locality Map	Dec 2016

DA1000	P3	Proposed Site Plan	Dec 2016
DA1001	F	Proposed Ground Floor Plan	Sep 2016
DA1003	C	Proposed Roof Plan	Sep 2016
DA2001	E	Elevations	Sep 2016
DA2002	E	Elevations	Sep 2015
DA3001	C	Sections	Sep 2016
DA5000	F	Proposed Landscape Plan	Dec 2016
DA5001	C	Proposed Landscape Sections	Dec 2016
Engineering Plans Prepared by Mortons Urban Solutions			
Drawing No.	Revision	Name of Plan	Date
12301-SK-60A	C	Kings Forest Precinct 1 Grading Plan	25.11.2016
12301-SK-061	A	Kings Forest Sections and Indicative Drainage Profile	16.12.2014
12301-SK-111	B	Indicative Plan and Section Tweed Coast Road and Kings Forest Parkway Ultimate Intersection	28.11.2016

4. Delete condition A12 in Schedule 2 and insert the following:

Limits of Approval

A12.

- 1) This approval does not give approval to retail fit out or signage of the building in Precinct 1. Separate development consent for these matters must be obtained.
- 2) The use of the building as a service station/food and drink premises shall not commence until an occupation certificate is issued for the internal fit out.
- 3) Pub/s, small bar/s or outdoor dining areas are not permitted within Precinct 1 (service station/food and drink premises).
- 4) This approval does not approve the removal of any heathland within the full extent of the 50 metre ecological buffers in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 12 of the Buffer Management Plan for Precinct 1 & 5 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012 and Figure 9 of the Buffer Management Plan for Precincts 2-4 & 6-14 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.
- 5) This approval does not approve any bulk earthworks within ecological buffers across all precincts as depicted on Drawing No. 12301-ALL-041 Revision B, with the exception of minor encroachments into the Precinct 5 ecological buffer for the construction of stormwater management areas (bioinfiltration and vegetated swales), placement of Koala fencing, and construction of Road No. 9 in the south western corner of Precinct 5 for an area of 686m² as contained within the Proponent's Preferred Project Report 2012 and shown on the Precinct 5 Swale Sections Plan (Drawing No.12301-SK-044 Amendment C dated 15 August 2012) and Road Reserve / Buffer Interface Plan (Drawing No.12301-SK-046 Amendment A dated 17 August 2012).
- 6) This approval does not give approval to any bulk earthworks in Precinct 3. Separate approval(s) for these works must be obtained from council if required by the EP&A Act 1979.
- 7) This approval does not give approval for any transport of fill sourced within the land that is the subject of the approval to other land.

5. Delete condition 1(2) of Part One in Schedule 2 and insert the following:

- 2) The subdivision shall create the following new allotments:

Proposed Lot	Proposed Use	Area
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Lot 1	Precinct 1 – service station/food and drink premises	2.368 ha
Lot 2	Precinct 5 – residential development and part of Kings Forest Parkway	41.28 ha
Lot 3	Environmental protection areas to be dedicated to NPWS (including roads proposed to be closed)	180.6 ha
Lot 4	Environmental protection areas to be offered to TSC for dedication	5.18 ha
Lot 5	Environmental protection areas to be offered to TSC for dedication	4.686 ha
Lot 6	Regional sewer pump station	396m ²
Lot 7	Precincts 2, 3 and 4	36.94 ha
Lot 8	Road to southern precincts	1.119 ha
Lot 9	Part of Kings Forest Parkway and road to southern precincts	3.967 ha
Lot 10	Precincts 6 to 14	592.2 ha

6. **Delete condition 27 of Part Two in Schedule 2.**

7. **Delete condition 28 of Part Two in Schedule 2 and insert the following:**

28.

- 1) Final intersection design plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for relevant civil works for the following intersections:
 - a) Tweed Coast Road and service station/food and drink premises (Precinct 1);
 - b) Tweed Coast Road and Old Bogangar Road;
 - c) Tweed Coast Road and Kings Forest Parkway;
 - d) Town Centre Access and Kings Forest Parkway;
 - e) Residential Precinct 5 access and Kings Forest Parkway; and
 - f) Access Roads to southern precincts and Kings Forest Parkway.

Advisory Note: Detailed design of (a), (b), and (c) shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.

8. **Delete Part Three of Schedule 2 (conditions 99 to 131) and insert the following:**

**PART THREE – CONSTRUCTION OF SERVICE STATION/FOOD AND DRINK PREMISES
(PRECINCT 1)**

99. The service station/food and drink premises must be constructed and operated in accordance with the conditions contained in Part One, Part Two, Part Three and Part Four of this consent with the exception of Condition 74 (1).

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE (PRECINCT 1)

Bushfire Management - Design and Construction

100.

- 1) The design of the service station/food and drink premises must comply with the following:
 - a) construction of the service station / food and drink premises must be in accordance with Section 3 and Section 7 (BAL 29) of Australian Standard AS3959–2009 Construction of buildings in bushfire-prone areas and section A3.7 of *Addendum: Appendix 3 Planning for Bush Fire Protection 2006*, with the exception of the western elevation (south of the service station shop) which must be constructed in accordance with Section 3 and Section 6 (BAL 19) of Australian Standard AS3959–2009 Construction of buildings in

bushfire-prone areas and section A3.7 of *Addendum: Appendix 3 Planning for Bush Fire Protection 2006*.

- b) landscaping of the site must comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*;
- c) water, electricity and gas must comply with the requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*;
- d) roofing must be gutterless or guttering and valleys must be screened to prevent the buildup of flammable material. Any materials used must be non-combustible; and
- e) above-ground infrastructure associated with the service station (including the above-ground ventilation infrastructure, tank filling points and fill points), must be located a minimum of 7 metres from the vegetation buffer and be designed to withstand the calculated radiant heat exposure.

Details of Materials, Colours and Finishes

101. Final design details of the proposed external materials and finishes of the building in Precinct 1, including schedules and a sample board of materials and colours (including an A3 photographic reproduction), must be submitted to and approved by the Secretary prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Reflectivity

102. The visible light reflectivity from building materials used on the facades of the buildings in Precinct 1 must not exceed 20% and must be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Outdoor Lighting

103. All outdoor lighting must comply with AS/NZ1158.3: 1999 Pedestrian Area Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Access for People with Disabilities

104. The building in Precinct 1 must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. The Certifying Authority must ensure evidence of compliance with this condition from an appropriately qualified person is provided and the requirements are referenced on the Construction Certificate drawings for any building in Precinct 1.

Parking Spaces

105. The number of car spaces, bicycle spaces and loading bays to be provided for the service station/food and drink premises development in Precinct 1 must comply with the requirements of Section A2 – Site Access and Parking Code of the *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).

Carpark and Service Vehicle Layout

- 106.
- 1) All vehicles must enter and leave the service station/food and drink premises in a forward direction.
 - 2) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
 - 3) Appropriate pedestrian advisory signs must be provided at the egress from the car park.
 - 4) All works/regulatory signposting associated with the service station/food and drink premises must be at no cost to the relevant roads authority.
 - 5) The swept path of the longest vehicle (including garbage trucks and fuel delivery trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS.
 - 6) A revised pedestrian movement and access plan which details the interaction between vehicles and pedestrians must be prepared in accordance with the relevant Australian Standards.

- 7) Details demonstrating compliance with the requirements specified above and the revised pedestrian movement and access plan must be submitted to the satisfaction of the Secretary prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Mechanical Ventilation

107. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environmental protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Storage and Handling of Waste

108. An appropriate area must be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises, outside of the ecological buffer zone and asset protection zone. The location and design of such an area must be in accordance with the requirements of *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).

Sewer and Water Reticulation

109. The Proponent must prepare a detailed network analysis and plans for each stage of water and sewer reticulation infrastructure including the regional sewerage pumping station prior to the issue of a Construction Certificate for the construction of any building in Precinct 1. The analysis must be prepared to the satisfaction of Council.

Certification

110.
 - 1) Proposed earthworks must be carried out in accordance with AS 3798, *Guidelines on Earthworks for Commercial and Residential Developments*.
 - 2) All earthworks must have a finished grade of at least 1% so the site drains to approved permanent drainage systems.
 - 3) The earthworks must be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying the earthworks comply with AS 3798 and that the development is suitable for its intended use must be submitted to the PCA upon completion.

Stormwater Quality

111.
 - 1) Prior to the issue of a Construction Certificate, a detailed Stormwater Management System must be prepared in consultation with Council and approved by the Secretary. The stormwater management system must be designed in accordance with the Tweed Urban Stormwater Quality Management Plan (as in force at the date of this approval) and Council's Development Design Specification D7 - Stormwater Quality (as in force at the date of this approval) by an appropriately qualified engineer, incorporating the following:
 - a) water sensitive design principles and where practical, integrated water cycle management;
 - b) the requirements of the EPA guidelines: 'Environmental Action for Service Stations' (October 2008) to ensure contaminated water does not leave the forecourt area and enters the stormwater system;
 - c) fuel delivery points must be located within the covered forecourt containment area or other appropriate area with separate bunding in accordance with the EPA guideline: 'Environmental Action for Service Stations' (October 2008);
 - d) a proprietary wastewater treatment plant must be installed and used to recycle water used in the car and dog wash facilities. Any wastewater (which is not contaminated with hydrocarbons) from the process must be discharged to sewer under a trade waste agreement;
 - e) the peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, must be no greater than pre-development;
 - f) private stormwater infrastructure must not be located within the ecological buffer or land to be dedicated to Council (including the regional sewer pump station and access to the

- regional sewer pump station, if that land is to be dedicated to Council). The proposed stormwater treatment device must be located wholly within the development site, and must be maintained in perpetuity by the landholder in accordance with manufactures specifications and is required to meet Council's stormwater quality objectives; and
- g) the bio-retention basins and/or swales must be maintained and operated in accordance with the approved Stormwater Management System and any conditions imposed by the Secretary as part of the approval of that document.
- 2) The Proponent must construct the service station/food and drink premises in accordance with the Stormwater Management System (as approved by the Secretary from time to time on application from the proponent), unless otherwise agreed by the Secretary.

Erosion and Sediment Control

112.

- 1) Prior to the issue of a Construction Certificate a detailed erosion and sediment control plan must be prepared in accordance with Section D7.07 of Development Design Specification D7 - Stormwater Quality (as in force at the date of this approval).
- 2) Construction phase erosion and sediment control must be designed, constructed and operated in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works" (as in force at the date of this approval).

Geotechnical Compliance

113.

- 1) Prior to the issue of a Construction Certificate, a Detailed Geotechnical Investigation must be undertaken by an appropriately qualified practising professional Geotechnical Engineer, unless considered unjustified by the Geotechnical Engineer and supported in writing and endorsed by Council or the PCA.
- 2) The investigation must identify any areas of compressible clay materials, loose sands, landslip, subsidence or reactive soil profiles which may impact on construction or building activities. If unsuitable materials are identified the investigation must provide recommendations such as preloading or other forms of treatment necessary to achieve surface movement (ys) rates. Consistent preloading must be monitored by settlement plates or detailed survey to determine consolidation/settlement characteristics.

Fire Safety

- 113A. The Applicant must include a list of fire safety measures proposed to be installed in the premises. The list must describe the extent, capability and basis of design of each of the measures. Full details must be included in documentation for a Construction Certificate application.

Waste

- 113B. The Proponent must provide adequate facilities for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and make arrangements for regular removal and disposal. Full details must be included in documentation for a Construction Certificate application.

Dewatering

113C.

- 1) A final Dewatering Management Plan must be prepared in consultation with DPI Water and approved by the Secretary prior to the issue of any Construction Certificate. The plan must take into account the findings of the approved Soil and Erosion Control Plan and Acid Sulfate Soil Management Plan and include the following:
 - a) water quality criteria for waters to be discharged to the stormwater system, to be derived from ANZECC / ARMICANZ (2000) Fresh and Marine Water Quality Guidelines 95 % species protection trigger levels for freshwaters, or similar. Parameters to include, but not be limited to, pH, electrical conductivity, salinity, dissolved oxygen, total suspended solids, turbidity, total titratable acidity, oxidised nitrogen (NO_x), total nitrogen (TN), total phosphorus, and soluble aluminum;
 - b) details of proposed water treatment prior to discharge to ensure compliance with the above water quality criteria, including those that are manual and automated;

- c) details of water sampling methodologies and frequencies for each parameter;
 - d) details of disposal methods if water does not comply with above criteria;
 - e) details of a 24-hour contact person and telephone number for complaints; and
 - f) detailed mitigation measures in order to reduce the dewatering cone of depression, to limit impacts.
- 2) Any permits required to undertake dewatering must be obtained prior to commencing any dewatering. The Proponent must conduct a thorough site assessment to determine trench safety for the approved works.
 - 3) The Secretary must be advised within 24 hours in the event of detection of any failure associated with the dewatering activity being carried out on the site and advise of their proposed contingency measures to rectify any issues.
 - 4) The Proponent must carry out the development in accordance with the Dewatering Management Plan (as approved by the Secretary from time to time on application by the proponent), unless otherwise agreed by the Secretary.

Acid Sulfate Soils

113D.

- 1) Prior to bulk earthworks, soil testing must be conducted to verify the presence of acid sulfate soils in accordance with the *Laboratory Methods 2004* and an Acid Sulfate Soil Management Plan must be prepared in accordance with the *NSW Acid Sulfate Soils Manual 1998* and Condition 17.
- 2) If acid sulfate soils are identified in the area of excavation works, the Proponent is required to treat the soil in accordance with the *NSW Acid Sulfate Soil Manual 1998* and the *Laboratory Methods 2004*.

Underground Petroleum Storage Systems

113E. Prior to the issue of the Construction Certificate, certification must be provided by a suitably qualified person that the design of any underground petroleum storage system (UPSS) is in accordance with the NSW Protection of the *Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* (UPSS Regulation), AS 4897-2008 and demonstrates adoption of industry best practice. Certification must include the provision for minimum mandatory pollution protection equipment, consistent with the UPSS Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.

Advisory Note:

A Construction Certificate application for works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain; or
- installation of stormwater quality control devices.

Must not be approved until prior separate approval to do so has been granted by Council under Section 68 of the *Local Government Act*.

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

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

DURING CONSTRUCTION OF PRECINCT 1

Vegetation Buffer

114.

- 1) A 10 m wide vegetation buffer from the northern boundary of Precinct 1 must be provided inside the site. Screening by physical means other than vegetation is not permitted.
- 2) Plantings along the vegetation buffer must be selected in consultation with the adjacent landowner to the north (195 Tweed Coast Road, Kingscliff) and must comprise native rainforest species to ensure land use conflicts and bushfire impacts are minimised.
- 3) The vegetation buffer is required to be maintained for the life of the development.

Erosion and Sediment Control

115.

- 1) Prior to commencement of work on the site all erosion and sedimentation control measures must be installed and operational including the provision of a "shake down" area, where required (if subdivision include to the satisfaction of the Principal Certifying Authority). These measures must be in accordance with the approved erosion and sediment control plan and adequately maintained throughout the duration of the construction.
- 2) In addition to these measures any core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act* must clearly be displayed in 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.
- 3) This sign is to remain in position for the duration of the development.
- 4) Regular inspections must 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.
- 5) 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.

Bushfire Management

116. Prior to the commencement of works and in perpetuity the entire area north-west of the Koala exclusion fence shown on the diagram titled 'Proposed Site Plan' prepared by Push (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016) excluding the 10 metres wide vegetated buffer along the northern boundary, must be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Management

116A.

- 1) In addition to condition 116 above, conditions 73 to 92 and conditions 94 to 98 of this project approval (08_0194) must be complied with during the construction of the service station/food and drink premises in Precinct 1.
- 2) 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 Work Health and Safety Regulation 2011.

Noise and Vibration

116B.

- 1) All pumps used on-site for dewatering operations must be installed on the site in a location that will minimise any noise disturbance to neighboring or adjacent premises and be acoustically shielded to the satisfaction of the Secretary to prevent the emission of offensive noise as a result of their operation.
- 2) The use of vibratory compaction equipment (other than hand held devices) within 100 metres of any dwelling house, building or structure is strictly prohibited.

Waste

- 116C. A garbage storage area must be provided in accordance with Council's 'Development Control Plan Section A15 – Waste Minimisation and Management' (as in force at the date of this approval). The storage area must be appropriately landscaped to screen it from public view.

Plumbing

116D.

- 1) A notice of plumbing and drainage work must be provided to the Council prior to commencement of any plumbing and drainage work, if it is a condition of any approval given under section 68 of the *Local Government Act 1993*.
- 2) The whole of the plumbing and drainage work must be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR SERVICE STATION AND FOOD AND DRINK PREMISES

Damage and Costs

117.

- 1) The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of Precinct 1 as a result of construction works associated with the service station/food and drink premises must be met in full by the Proponent prior to the issue of any Occupation Certificate for the building in Precinct 1.
- 2) All works/regulatory signposting associated with the service station/food and drink premises must be at no cost to the relevant roads authority.

Registration of Easements

118.

- 1) Prior to the issue of any Occupation Certificate, the Proponent must provide to the Certifying Authority evidence that all matters required to be registered on title including easements and Restrictions as to User under Section 88B of the *Conveyancing Act 1919* required by this approval in relation to the service station/food and drink premises in Precinct 1, have been lodged for registration or registered at the NSW Land and Property Information.
- 2) A restriction to the land use must be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones* (as in existence at the date of this approval).
- 3) Easements for sewer, water supply and drainage over any public services/infrastructure on private property.
- 4) Drainage Easements must be placed over all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains must be included in the 88B instrument.
- 5) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council must contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Structural Inspection Certificate

119.

- 1) A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the service station/food and drink premises. A copy of the certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Secretary after:
 - a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the inspection certificate have been checked with those listed on the final design certificate/s.

Compliance with Bushfire Requirements

120.

- 1) Prior to the issue of any Occupation Certificate for the project, a report is must be prepared by a BPAD Certified bushfire consultant that certifies the following:
 - a) compliance with the RFS requirements in Condition 100;
 - b) public road access complies with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*;
 - c) fire trails comply with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*;
 - d) asset Protection Zones comply with Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*;
 - e) water, electricity and gas must comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*;
 - f) internal roads must comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*; and
 - g) arrangements for bushfire emergency and evacuation have been detailed within a Bushfire Emergency / Evacuation Plan and comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

Koala Plan of Management

121.

- 1) All Koala exclusion fencing must:
 - a. be installed along the eastern and northern boundary of the service station/food and drink premises as identified in 'Proposed Site Plan' prepared by Push (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016); and
 - b. be constructed in accordance with the with the revised Koala Plan of Management approved by the Secretary in accordance with MP06_0318 Condition C2 and MP08_0194 Condition 45.
- 2) The Koala fence must be constructed and functional prior to the issue of an Occupation Certificate for any building in Precinct 1. Evidence must be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management.

Landscaping

122. Prior to the issue of an Occupation Certificate, evidence must be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan. The Proponent must undertake care and maintenance operations on all streetscapes 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 Proponent.

External Lighting

123.

- 1) The Proponent must submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance with Condition 123.
- 2) All externally mounted artificial lighting, including security lighting, must be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
- 3) Illuminated signage and lights must be switched off between the hours of 10:30 pm to 6 am each evening.

Integrated Water Cycle Management

124. The Proponent must provide a Works as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan submitted in accordance with Condition 20 have been satisfactorily completed. The Plan must be endorsed by a Registered Surveyor or Designing Engineer.

Infrastructure – Road, Water, Sewer, Telephone and Electricity Services

125.

- 1) The service station/food and drink premises must be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of an Occupation Certificate. Such connections, and any extension of services required to the service station/food and drink premises, must be carried out at full cost to the Proponent.
- 2) The service station/food and drink premises must not be operational until the following road infrastructure works are completed and open to traffic as described in Bitzios Consulting 'Kings Forest Service Station Traffic Impact Assessment' (Appendix E, Project No. P1745, Version 006, 4 October 2016, Sheets 1 and 2):
 - a) widening and construction of a dividing median and turning lanes on Tweed Coast Road in the vicinity of Precinct 1; and
 - b) construction of a two lane roundabout at the intersection of Tweed Coast Road and Kings Forest Parkway.
- 3) The service station/food and drink premises must not be operational until the regional sewerage pumping station is commissioned and approved to the satisfaction of Council.

Underground Petroleum Storage System

125A.

- 1) Prior to issue of an Occupation Certificate, the UPSS must be installed and commissioned in accordance with the following requirements of the *UPSS Regulation 2014*:
 - a) the installation must be appropriately designed as per Condition 113E, installed and commissioned by a duly qualified person in accordance with the *UPSS Regulation 2014* and AS 4897: 2008 '*Design, installation and operation of underground petroleum storage systems*'. A report prepared by a duly qualified person containing, but not limited to, installation specifications of the UPSS and groundwater monitoring wells and current 'as built' drawings of the system must be submitted;
 - b) the installation must have minimum mandatory pollution protection equipment in accordance with best practice;
 - c) the installation must have a certificate showing that Equipment Integrity Testing (EIT) has been undertaken; and
 - d) the system can only be commissioned if all the above requirements have been met.
- 2) The Proponent must install best practise mitigation measures/controls to prevent any off-site impacts in the event of overfilling during tanker fill/s.
- 3) Prior to the commissioning of the proposed UPSS and groundwater monitoring wells, a duly qualified person is required to carry out an EIT on all components of the system in accordance with the *UPSS Regulation 2014*. Written certification from the duly qualified person confirming the EIT has been carried out in accordance with this regulation must be submitted to the PCA prior to the issue of an Occupation Certificate. Groundwater monitoring wells must be sealed to exclude surface water, constructed to prevent cross-contamination with other groundwater monitoring wells, clearly marked to indicate their presence and properly secured.
- 4) An additional groundwater monitoring well must installed and monitored in a location that is representative of groundwater which is migrating towards the SEPP 14 Wetlands and Cudgen Creek to south of Precinct 1. The groundwater well is not permitted to be installed in the ecological buffer or the SEPP 14 Wetlands.
- 5) Baseline data must be obtained from all groundwater monitoring wells prior to the installation of the UPSS.
- 6) All groundwater monitoring wells should be monitored at six monthly intervals as a minimum or as specified under the *UPPS Regulation 2014*.
- 7) Prior to the issue of an Occupation Certificate, the Applicant must submit to the PCA a site specific Environment Protection Plan or equivalent prepared by a duly qualified person in accordance with the *UPSS Regulation 2014*. The Environment Protection Plan or equivalent must accurately reflect the as-built configuration and equipment installed at the site. The Environment Protection Plan must include details of loss monitoring, incident management procedures and use of loss detection procedures. The Environment Protection Plan must be kept on-site for operational reference and made available to authorised officers upon request.

LPG Tanks

125B.

- 1) The Applicant must ensure that the installation of the LPG tanks is compliant with AS 1596:2008 LP Gas – Storage and Handling Code.

Fire Safety

125C.

- 1) A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) must be submitted to the Commissioner of NSW Fire and Rescue and a further copy of the Certificate (together with a copy of the current fire safety schedule) must be prominently displayed in the premises.
- 2) An annual Fire Safety Statement in the form described in Clause 175 of the EP&A Regulation must be submitted to the Secretary and Council, and a copy (together with a copy of the current fire safety schedule) must be given to the Commissioner of NSW Fire and Rescue. A further copy of the Statement (together with a copy of the current fire safety schedule) must be prominently displayed in the building.

Stormwater

- 125D. Works as executed plans for the installed Stormwater Management System must be submitted to the PCA and to Council prior to the issue of an Occupation Certificate. The plans

must be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Waste Management

- 125E. An operational waste management plan (which will includes a program for litter management) must be provided to the satisfaction of the Secretary, in consultation with Council prior to the issue of an Occupation Certificate. The operations of the service station/food and drink premises must comply with the approved waste management plan.

Environmental Works

- 125F. Prior to the issue of the Occupation Certificate, evidence is to be submitted to the Secretary by a suitably qualified person verifying that all works have been undertaken in accordance with the approved Environmental Management Plans as per Condition 39.

DURING OPERATIONS

Loading and Unloading

126. All loading and unloading of service vehicles in connection with the use of the service station/food and drink premises must be carried out wholly within the Precinct 1 site at all times.

Unobstructed Driveways and Parking Areas

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

Road Safety Audit

- 128.
- 1) Within 6 months of operation, the Proponent must carry out a Road Safety Audit of the service station/food and drink premises. The audit must:
 - a) be conducted in consultation with Council;
 - b) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - c) audit the service station/food and drink premises whilst it is in operation;
 - d) validate the safety of the road network associated with Precinct 1 including the entry and exit points.
 - e) include a summary of traffic related complaints or accidents and any actions that were carried out to address the complaints;
 - f) review the management practices of the service station/food and drink premises against industry best practice;
 - g) include an action plan that identifies and prioritises additional traffic mitigation measures that may be necessary to reduce traffic incidents;
 - h) provide a further program of monitoring to address traffic issues that may emerge over time.
 - 2) Within three months of commissioning this audit, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
 - 3) The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Road Safety Audit.

Operations

129. The operation must not cause disruption to the amenity of the locality by way of the emission of dust or offensive odours.

Hours of Work

130.

- 1) The Proponent must comply with the construction and operating hours in the below table unless otherwise agreed to in writing by the Secretary.

Service Station and Food and Drink Premises Hours of Construction and Operation

Activity	Day	Hours
Construction	Monday to Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday & Public Holidays	Nil
Operation	Trading hours	
	Monday to Sunday	6 am to 10 pm
	Public Holidays	6 am to 10 pm
	Goods Delivering (including fuel delivery):	
	Monday to Sunday	7 am to 10 pm
	Public Holidays	7 am to 10 pm
	Waste Collection:	
	Monday to Saturday	7 am to 10 pm
	Public Holidays	Nil
	Car Vacuums:	
	Monday to Sunday	7 am to 10 pm
	Public Holidays	7 am to 10 pm

Clause 1) above does not apply to any activity that is required to be performed by police or other authorities for safety reasons; and/or if there is an on-site emergency that poses an immediate danger to personnel or equipment; and/or the operation or personnel or equipment is endangered. In such circumstances, prior notification must be provided to the EPA and any affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operational Noise Limits

131. The Applicant must ensure noise from the operation does not exceed the noise limits identified in the below table.

Noise Limits (dB(A)) for Precinct 1.

Location	Noise Limits dB(A)		
	Day (7am - 6pm Monday to Saturday; 8am - 6pm Sunday)	Evening (6pm - 10pm)	Night (6am - 7am)
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)
234-254 Old Bogangar Road, Kingscliff	49	47	41
219 Tweed Coast Road, Kingscliff	42	39	32
Any dwelling east of Precinct 1	37	34	28

- 2) All externally mounted air conditioning units and other mechanical plant or equipment must be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary such that the operation of any air

conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive.

- 3) All plant and equipment (air conditioning, drainage systems, infrastructure, pollution control equipment and fuel burning equipment) installed or used in or on the premises must be:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.
- 4) The car wash is to be constructed with solid walls and a solid roof. The carwash must have automatic doors. These doors must provide more than 15 dB(A) noise reduction.
- 5) Drainage grates over trafficable areas must be fixed to avoid rattling when vehicles pass over the grate.

Noise

132.

- 1) Within 6 months of operation, the Proponent must carry out a Noise Audit of the service station/food and drink premises. The audit must:
 - a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - b) audit the service station/food and drink premises whilst it is in operation;
 - c) validate the noise levels via noise monitoring against the noise limits in Condition 131;
 - d) include a summary of noise related complaints and any actions that were carried out to address the complaints;
 - e) review the management practices of the service station/food and drink premises against industry best practice;
 - f) include an action plan that identifies and prioritises additional noise mitigation measures that may be necessary to reduce noise levels; and
 - g) provide a further program of monitoring to address noise issues that may emerge over time.
- 2) Within three months of commissioning this audit, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
- 3) The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Noise Audit.

Bushfire Emergency / Evacuation Plan

- 132A. Arrangements for bushfire emergency and evacuation must be maintained in accordance with the Bushfire Emergency / Evacuation Plan, as required by Condition 120, and '*Planning for Bush Fire Protection 2006*'. All continuing actions which may be required (e.g. training of staff, signage requirements) must be implemented.

Impacts on SEPP 14 Wetland

- 132B. Operation of the service station/food and drink premises must not damage or interfere in any way with the SEPP 14 wetlands, this includes any stormwater or groundwater discharge from the site.

Underground Petroleum Storage System

132C.

- 1) Any underground petroleum storage system must be operated, maintained and monitored in accordance with the *UPSS Regulation 2014*, AS4897-2008 and industry best practice.
- 2) Groundwater monitoring wells must be maintained to ensure they are sealed to exclude surface water at all times, clearly marked to indicate their presence and properly secured and tested for hydrocarbon contamination at minimum intervals of six months.
- 3) The following fuels and associated quantities are permitted to be stored in the Underground Storage Tanks:

Tank No.	Hazardous Material	Underground Storage Capacity (Litres)	Dangerous Goods Class/Packaging Group
T1	AdBlue	20,000	Not classified
T2	Diesel	90,000	C1
T3	Premium Diesel	30,000	C1
T4	Premium Unleaded	40,000	3 PG II

Tank No.	Hazardous Material	Underground Storage Capacity (Litres)	Dangerous Goods Class/Packaging Group
	Petrol 95		
T5	Premium Unleaded Petrol 98	40,000	3 PG II
T6	Unleaded Petrol E10	50,000	3 PG II
T7	Unleaded Petrol 91	60,000	3 PG II
T8	Liquid Petroleum Gas (to be stored underground)	30,000	2.1 PG

Stormwater

132D. All stormwater infrastructure including (underground collection pits, waste water treatment plant/s and oil separators) must be maintained and serviced by appropriate waste contractors as required to ensure proper function.

Spill Management

132E. A diesel exhaust fluid and hydrocarbon spill kit must be kept on-site at all times and deployed during a spill event.

Car and Dog Wash

132F. Any solid waste from the car and dog wash must be disposed of to a licenced waste facility.

Odour

132G. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Landscaping

132H. All landscaping work must maintained in accordance with the approved plans for the life of the development.

Signage and advertising

132I.

- 1) Any prominent signage must be generally of a kind, and in the locations, shown in the approved drawings.
- 2) No flashing or chasing lighting is to be installed or displayed on the exterior of the premises.
- 3) Any flags, bunting or other promotional material of a like nature must be arranged and properly maintained in a manner which does not detract from the appearance of the premises or the streetscape and which does not represent a hazard to the public.
- 4) Goods or advertising signs must not be displayed or allowed to stand on the public footpath or street.
- 5) Illuminated signage and lights which may impact on the residents on Old Bogangar Road must be switched off between 10:30pm and 6am each evening.

9. Delete condition 154 of Part Three in Schedule 2 and insert the following:**Section 94 Developer Contributions**

154.

- a) Contributions plans relevant to the project include:
 - i. CP04 Section 94 Plan No.4 – Tweed Road Contribution Plan
 - ii. CP11 Section 94 Plan No.11 – Shire Wide Library Facilities
 - iii. CP12 Section 94 Plan No.12 – Bus Shelters
 - iv. CP13 Section 94 Plan No.13 – Eviron Cemetery
 - v. CP18 Section 94 Plan No.18 – Council Administration Offices and Technical Support Facilities
 - vi. CP19 Section 94 Plan No.19 – Casuarina Beach / Kings Forest
 - vii. CP22 Section 94 Plan No.22 – Cycleways
 - viii. CP26 Section 94 Plan No.26 – Shirewide Regional Open Space

- b) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued 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 include indexation provided for in the Section 94 Plan and will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.
- c) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

Stage 1 – Precinct 1

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	680.2213 trips	\$1395 per trip	\$948,908.71
S94 Plan No. 18	N/A	N/A	N/A

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	647.4 trips	\$1186 per trip	\$767,816
S94 Plan No. 11	101.25 ET	\$838 per ET	\$84,848
S94 Plan No. 12	101.25 ET	\$64 per ET	\$6,480
S94 Plan No. 13	101.25 ET	\$123 per ET	\$12,454
S94 Plan No. 18	101.25 ET	\$1860.31 per ET	\$188,356.39
S94 Plan No. 19 Community Facilities	101.25 ET	\$2263 per ET	\$229,129
S94 Plan No. 22**	101.25 ET	\$473 per ET	\$47,891
S94 Plan No. 26 Casual	101.25 ET	\$1091 per ET	\$110,464
S94 Plan No. 26 Structured	101.25 ET	\$3830 per ET	\$387,788

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	156 trips	\$1186 per trip	\$185,016
S94 Plan No. 11	25.375 ET	\$838 per ET	\$21,264
S94 Plan No. 12	25.375 ET	\$64 per ET	\$1,624
S94 Plan No. 13	25.375 ET	\$123 per ET	\$3,121
S94 Plan No. 18	25.375 ET	\$1860.31 per ET	\$47,205.37
S94 Plan No. 19 Community Facilities	25.375 ET	\$2263 per ET	\$57,424
S94 Plan No. 22**	25.375 ET	\$473 per ET	\$12,002
S94 Plan No. 26 Casual	25.375 ET	\$1091 per ET	\$27,684

S94 Plan No. 26 Structured	25.375 ET	\$3830 per ET	\$97,186
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* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	98.8 Trips	\$1186 per trip	\$117,177
S94 Plan No. 11	15.75 ET	\$838 per ET	\$13,199
S94 Plan No. 12	15.75 ET	\$64 per ET	\$1,008
S94 Plan No. 13	15.75 ET	\$123 per ET	\$1,937
S94 Plan No. 18	15.75 ET	\$1860.31 per ET	\$29,299.88
S94 Plan No. 19 Community Facilities	15.75 ET	\$2263 per ET	\$35,642
S94 Plan No. 22**	15.75 ET	\$473 per ET	\$7,450
S94 Plan No. 26 Casual	15.75 ET	\$1091 per ET	\$17,183
S94 Plan No. 26 Structured	15.75 ET	\$3830 per ET	\$60,323

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	265.2 Trips	\$1186 per trip	\$314,527
S94 Plan No. 11	43 ET	\$838 per ET	\$36,034
S94 Plan No. 12	43 ET	\$64 per ET	\$2,752
S94 Plan No. 13	43 ET	\$123 per ET	\$5,289
S94 Plan No. 18	43 ET	\$1860.31 per ET	\$79,993.33
S94 Plan No. 19 Community Facilities	43 ET	\$2263 per ET	\$97,309
S94 Plan No. 22**	43 ET	\$473 per ET	\$20,339
S94 Plan No. 26 Casual	43 ET	\$1091 per ET	\$46,913
S94 Plan No. 26 Structured	43 ET	\$3830 per ET	\$164,690

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	384.8 Trips	\$1186 per trip	\$456,373
S94 Plan No. 11	59.75 ET	\$838 per ET	\$50,071
S94 Plan No. 12	59.75 ET	\$64 per ET	\$3,824
S94 Plan No. 13	59.75 ET	\$123 per ET	\$7,349

S94 Plan No. 18	59.75 ET	\$1860.31 per ET	\$111,153.52
S94 Plan No. 19 Community Facilities	59.75 ET	\$2263 per ET	\$135,214
S94 Plan No. 22**	59.75 ET	\$473 per ET	\$28,262
S94 Plan No. 26 Casual	59.75 ET	\$1091 per ET	\$65,187
S94 Plan No. 26 Structured	59.75 ET	\$3830 per ET	\$228,843

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	153.4 Trips	\$1186 per trip	\$181,932
S94 Plan No. 11	25.25 ET	\$838 per ET	\$21,160
S94 Plan No. 12	25.25 ET	\$64 per ET	\$1,616
S94 Plan No. 13	25.25 ET	\$123 per ET	\$3,106
S94 Plan No. 18	25.25 ET	\$1860.31 per ET	\$46,972.83
S94 Plan No. 19 Community Facilities	25.25 ET	\$2263 per ET	\$57,141
S94 Plan No. 22**	25.25 ET	\$473 per ET	\$11,943
S94 Plan No. 26 Casual	25.25 ET	\$1091 per ET	\$27,548
S94 Plan No. 26 Structured	25.25 ET	\$3830 per ET	\$96,708

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	322.4 Trips	\$1186 per trip	\$382,366
S94 Plan No. 11	51.25 ET	\$838 per ET	\$42,948
S94 Plan No. 12	51.25 ET	\$64 per ET	\$3,280
S94 Plan No. 13	51.25 ET	\$123 per ET	\$6,304
S94 Plan No. 18	51.25 ET	\$1860.31 per ET	\$95,340.89
S94 Plan No. 19 Community Facilities	51.25 ET	\$2263 per ET	\$115,979
S94 Plan No. 22**	51.25 ET	\$473 per ET	\$24,241
S94 Plan No. 26 Casual	51.25 ET	\$1091 per ET	\$55,914
S94 Plan No. 26 Structured	51.25 ET	\$3830 per ET	\$196,288

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	208 Trips	\$1186 per trip	\$246,688
S94 Plan No. 11	34.75 ET	\$838 per ET	\$29,121
S94 Plan No. 12	34.75 E	\$64 per ET	\$2,224
S94 Plan No. 13	34.75 E	\$123 per ET	\$4,274
S94 Plan No. 18	34.75 E	\$1860.31 per ET	\$64,645.77
S94 Plan No. 19 Community Facilities	34.75 E	\$2263 per ET	\$78,639
S94 Plan No. 22**	34.75 E	\$473 per ET	\$16,437
S94 Plan No. 26 Casual	34.75 E	\$1091 per ET	\$37,912
S94 Plan No. 26 Structured	34.75 E	\$3830 per ET	\$133,093

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	182 Trips	\$1186 per trip	\$215,852
S94 Plan No. 11	30.75 ET	\$838 per ET	\$25,769
S94 Plan No. 12	30.75 ET	\$64 per ET	\$1,968
S94 Plan No. 13	30.75 ET	\$123 per ET	\$3,782
S94 Plan No. 18	30.75 ET	\$1860.31 per ET	\$57,204.53
S94 Plan No. 19 Community Facilities	30.75 ET	\$2263 per ET	\$69,587
S94 Plan No. 22**	30.75 ET	\$473 per ET	\$14,545
S94 Plan No. 26 Casual	30.75 ET	\$1091 per ET	\$33,548
S94 Plan No. 26 Structured	30.75 ET	\$3830 per ET	\$117,773

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	78 Trips	\$1186 per trip	\$92,508
S94 Plan No. 11	17.5 ET	\$838 per ET	\$14,665
S94 Plan No. 12	17.5 ET	\$64 per ET	\$1,120
S94 Plan No. 13	17.5 ET	\$123 per ET	\$2,153
S94 Plan No. 18	17.5 ET	\$1860.31 per ET	\$32,555.43
S94 Plan No. 19 Community Facilities	17.5 ET	\$2263 per ET	\$39,603
S94 Plan No. 22**	17.5 ET	\$473 per ET	\$8,278
S94 Plan No. 26 Casual	17.5 ET	\$1091 per ET	\$19,093
S94 Plan No. 26	17.5 ET	\$3830 per ET	\$67,025

Structured			
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* ET = Equivalent Tenements
 ** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.
 *** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

10. Delete condition 155 of Part Three in Schedule 2 and insert the following:

Section 64 Developer Contributions

155.

- a) Development Servicing plans relevant to the project include:
 - i. Tweed Shire Council Development Servicing Plans for Water Supply Services July 2007
 - ii. Tweed Shire Council Development Servicing Plans for Sewerage Supply Services July 2007
- b) 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.
- c) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of council.
- d) The below charges remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in council's adopted Fees and Charges current at the time of payment.
- e) The Proponent shall pay, in proportion to the additional lots created by each stage, the following estimate monetary contributions:

Stage 1 – Precinct 1

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	19.2631 ET	\$13,386 per ET	\$257,855.86
South Kingscliff Water Levy	19.2631 ET	\$338 per ET	\$6,510.92
Sewer Kingscliff	30.4854	\$6,431	\$196,051.61

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	113 ET	\$12,575 per ET	\$1,420,975
South Kingscliff Water Levy	113 ET	\$292 per ET	\$32,996
Sewer Kingscliff	113 ET	\$6,042 per ET	\$682,746

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	25.4 ET	\$12,575 per ET	\$319,405
South Kingscliff Water Levy	25.4 ET	\$292 per ET	\$7,417
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	16 ET	\$6,042 per ET	\$96,672

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	42.8 ET	\$12,575 per ET	\$538,210
South Kingscliff Water Levy	42.8 ET	\$292 per ET	\$12,498
Sewer Kingscliff	44 ET	\$6,042 per ET	\$265,848

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	60 ET	\$12,575 per ET	\$754,500
South Kingscliff Water Levy	60 ET	\$292 per ET	\$17,520
Sewer Kingscliff	60 ET	\$6,042 per ET	\$362,520

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	26 ET	\$12,575 per ET	\$326,950
South Kingscliff Water Levy	26 ET	\$292 per ET	\$7,592
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	52 ET	\$12,575 per ET	\$653,900
South Kingscliff Water Levy	52 ET	\$292 per ET	\$15,184
Sewer Kingscliff	52 ET	\$6,042 per ET	\$314,184

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	36 ET	\$12,575 per ET	\$452,700
South Kingscliff Water Levy	36 ET	\$292 per ET	\$10,512
Sewer Kingscliff	36 ET	\$6,042 per ET	\$217,512

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	30.8 ET	\$12,575 per ET	\$387,310
South Kingscliff Water Levy	30.8 ET	\$292 per ET	\$8,994

Sewer Kingscliff	32 ET	\$6,042 per ET	\$193,344
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Stage 2 – Precinct 5 – Sub Stage 2(10)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	20 ET	\$6,042 per ET	\$120,840

ANNEXURE “B”
Project 28 Pty Ltd v Minister for Planning

Project Approval

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

The Planning Assessment Commission of New South Wales (the Commission), under the instrument of delegation dated 20 May 2011, having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General’s Environmental Assessment report determine to grant approval to the project application (08_0194) described in Schedule 1 subject to the conditions of approval in Schedule 2 and the Statement of Commitments in Schedule 3, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- 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

Sydney

Member of the Commission

11 August 2013

SCHEDULE 1

Application No.:

08_0194

Proponent:

Project 28 Pty Ltd

Approval Authority:

Minister for Planning

Land:

Kings Forest Estate
 Lot 76, 272, 323 and 326 of DP 755701;
 Lot 6 DP 875446;
 Lot 2 DP 819015;
 Lot 1 DP706497;
 Lot 40 DP7482;
 Lot 38A DP 13727;
 Lot 38B DP 13727;
 Lot 1 DP 129737;
 Lot 1 DP 781633;
 Lot 7 DP 875447; and,
 Lot 37A DP 13727,
 Lot 2 DP 1159231 (closed road)
 Lot 1 DP 1178256 (closed road); and,
 Lot 1, 2 & 3 DP 11757616 (closed roads).

Project:

Kings Forest Residential Subdivision Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5, including:

- subdivision of the site into ten development lots in 4 stages;
- bulk earthworks across the site;
- roadworks comprising:
 - construction of the entrance road and associated intersection works with Tweed Coast Road;

- construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and
 - construction of two roads providing access to the southern site precincts;
 - Plan of Development for Precinct 5;
 - development of 988 998 sqm of floorspace for a rural supplies building-service station and food and drink premises and access arrangements to Precinct 1;
 - construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5;
 - subdivision of Precinct 5 into 376 residential lots comprising:
 - one townhouse lot (7,860sqm)
 - 37 terrace house lots (minimum lot size 150sqm)
 - 25 duplexes (minimum lot size 450sqm)
 - 192 zero lot dwellings (minimum lot size 240sqm)
 - 121 traditional detached dwellings (minimum lot size 400sqm)
-

DEFINITIONS

Advisory Notes	means advisory information relating to the approved project but do not form a part of this approval.
BCA	means Building Code of Australia
CEMP	means Construction Environmental Management Plan
Certifying Authority (CA)	means a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue certificates.
Construction certificate	means a Construction certificate for bulk earthworks or civil works unless specified otherwise.
Council	means Tweed Shire Council.
Council Dedicated Land Plan	means the 'Plan of Proposed Areas to be Dedicated to Council with Work Areas' prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D
Crown Lands	means the Crown Lands Division as part of the Department of Primary Industries or its successors.
Department	means the Department of Planning & Infrastructure or its successors.
Developer	means anyone acting on behalf of the Proponent.
Director-General	means the Director-General of the Department or his/her nominee.
Environmental Assessment	means the Environmental Assessment prepared by JBA Planning and dated November 2011, including all Appendices
Environmental Management Plan	means the environmental management plans in Appendix 10 of the Preferred Project Report 2012
EP&A Act	means the <i>Environmental Planning & Assessment Act 1979</i>
Establishment Period	means the period commencing with the implementation of the relevant approved environmental management plan(s) and ending when the works specified in that plan meet the establishment phase performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the approval authority. The establishment period represents time necessary to carry out initial environmental repair, restoration and monitoring prior to ongoing maintenance.
Establishment Period	means the period commencing with the implementation of the relevant approved environmental management plan(s) and ending when the works specified in that plan meet the establishment period performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the Secretary. The establishment period represents the time necessary to carry out initial environmental repair, restoration and monitoring prior to ongoing maintenance.
Food and Drink Premises	means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes a restaurant or cafe, take away food and drink premises.
Future OEH Land	means the land identified in the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C.
Kings Forest Development Code	means the Kings Forest Development Code approved by the Director-General of the Department of Planning on 12 December 2010 as amended by condition B6
Land to be Dedicated to Council in the Future	means the land to be dedicated to Council as identified on the Council Dedicated Land Plan
Maintenance Period	means the period commencing immediately after the end of the establishment period during which environmental management and

	monitoring works specified in the relevant approved environmental management plan(s) are to be carried out in accordance with the maintenance period phase performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the Director General.
Maintenance Period	means the period commencing immediately after the end of the establishment period during which environmental management and monitoring works specified in the relevant approved environmental management plan(s) are to be carried out in accordance with the maintenance period performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the Secretary.
Minister	means the Minister for Planning and Infrastructure
Occupation Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act
OEH	means the Office of Environment & Heritage or its successors.
Offset Area	means the land proposed to be dedicated to the Office of Environment and Heritage as identified on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' prepared by Landsurv Pty Ltd dated 23 August 2012, Revision G
PCA	means Principal Certifying Authority, as defined in the <i>Environmental Planning & Assessment Act 1979</i>
Potential Council Land Plan	means the plan 'Potential Council Land Plan with Work Areas', prepared by Landsurv dated 6 December 2013, Revision E, as amended in accordance with Condition B5.
Potential Council Land	means the land identified as 'potential Council land' on the Potential Council Land Plan.
Preferred Project Report 2012	means the Proponent's Preferred Project Report lodged for project application MP08_0194 and dated October 2012
Project	means the project as described in Condition A1
Proponent	means Project 28 Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
RFS	means the Rural Fire Service or its successors
Secretary	means the Secretary of the Department of Planning and Environment or his/her nominee.
Service Station	means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, for the cleaning of motor vehicles and the ancillary retail selling or hiring of general merchandise or services or both.
Site	means the land identified in Schedule 1.
Subdivision Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act
UPSS	means Underground Petroleum Storage Systems
UPSS Regulation 2014	Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Project Description

A1. Project approval is granted only to:

PART ONE – SUBDIVISION OF ENTIRE SITE

- 1) Subdivision of the entire Kings Forest Estate site into ten (10) allotments (proposed Lots 1 – 10);

PART TWO – BULK EARTHWORKS AND CIVIL WORKS

- ~~2) Staged bulk earthworks across the site to lower site levels in Precincts 2, 4, 5, 12, 13 and 14 in order to provide fill to create development pads for the residential areas in Precincts 1 and 6 to 11 and contour the future golf course in Precincts 12, 13 and 14~~
- 2) Staged bulk earthworks across the site in order to create development pads for development areas in Precincts 1, 2 and 4 to 14 in accordance with the plans referred to in condition A3.
- 3) Road forming works, comprising:
 - a) Construction of the entrance road into the site and associated intersection works on Tweed Coast Road
 - b) Alignment and construction of Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western precincts
 - c) Alignment and part construction of two roads through SEPP14 wetland areas to access the southern development precincts and golf course
- 4) Construction of subdivision and infrastructure works along the Kings Forest Parkway and within Precincts 1 and 5

PART THREE – CONSTRUCTION OF PRECINCT 1

- 5) Construction of ~~2,036~~ 998 sqm of floorspace for a ~~rural supplies building~~ service station/food and drink premises, including carparking and landscaping.

PART FOUR – SUBDIVISION OF PRECINCT 5

- 6) Subdivision of Lot 2 (Precinct 5) into 376 Torrens title residential development lot, three public reserve lots, eight drainage reserve and Asset Protection Zone lots, one environmental open space lot and one lot for locating the sewer pump station, in accordance with the Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan (Drawing No.34860-2_PROP, dated 5 September 2012, Revision D, Sheet 1 of 1)

Kings Forest Concept Plan

A2. The project shall be generally undertaken within the terms of the concept plan approval for the Kings Forest Estate (Major Project 06_0318) approved by the Minister on 22 December 2010 and as modified on the same date as this project approval.

Terms of Approval

A3. The Proponent shall carry out the project generally in accordance with the:

- (a) Environmental Assessment prepared by JBA Planning dated November 2011
- (b) Preferred Project Report prepared by Darryl Anderson Consulting dated October 2012, including Appendices 1 to 30
- (c) Revised Statement of Commitments at Schedule 3 of this approval
- (d) The 'S75W Modification No. 3' report prepared by DAC Planning Pty Ltd, dated September 2015
- (e) Bitzios – Traffic Impact Assessment, 5 October 2016
- (f) DAC Planning, Position Paper, August 2016
- (g) DAC Planning, Position Paper Acoustic & Light Spill Impacts, October 2016
- (h) Gilbert & Sutherland, Site Based Management Plan, 9 December 2016
- (i) Gilbert & Sutherland, Letter, 7 December 2016
- (j) Gilbert & Sutherland, Groundwater Conditions, October 2016
- (k) DAC Planning, Letter re Condition 27, 13 October 2016 and Tweed Shire Council reply dated 11 November 2016

- (l) MDA Consulting, Position Paper re Lighting, 13 October 2016
- (m) Gilbert & Sutherland, Position Paper Conceptual Stormwater Assessment, November 2016
- (n) CRG Acoustics, Position Paper Acoustical Issues, 5 October 2016
- (o) Mortons Urban Solutions, Letter, 29 November 2016
- (p) Place Design Group, Landscape Statement of Intent, Issue C, October 2016
- (q) Biztios, Letter, 28 November 2016
- (r) Letter from DAC Planning Pty Ltd to Department of Planning and Environment dated 27 January 2017
- (s) Conditions of this approval, and
- (t) The following drawings:

Civil Drawings Prepared by Mortons Urban Solutions – Precinct 1 and 2			
Drawing No.	Revision	Name of Plan	Date
12301-SK-050	A	Kings Forest Precincts 1-5 Earthworks Phasing Diagram	29.01.13
12301-EMAW-007	C	Road Hierarchy & Staging Plan	30.08.12
12301-EMAW-010	B	Sediment & Erosion Concept Plan	30.08.12
12301-EMAW-030	C	Bulk Earthworks Cutoff Plan Sheet 01	27.08.12
12301-EMAW-031	C	Bulk Earthworks Cutoff Plan Sheet 02	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 3, 4 and 5			
Drawing No.	Revision	Name of Plan	Date
12301-05-007	B	Road Hierarchy and Staging Plan	27.08.12
12301-05-008	B	Indicative Staging Plan	27.08.12
12301-05-010	B	Sediment and Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 6-11			
Drawing No.	Revision	Name of Plan	Date
12301-EWB-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Golf Course Precincts 12-14			
Drawing No.	Revision	Name of Plan	Date
12301-GC-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Subdivision Plans Prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings	05.02.2013

		Forest Development For Stage 1 Project Application	
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 1 of 1	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 1 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 2 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 3 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 4 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 5 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 6 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 7 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 8 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 9 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 10 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 11 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
113691-LD-1f	F	Indicative Subdivision Plan Precinct 5	12 October 2012
113691-STP-	A	Precinct 5 Indicative Staging Plan	12 October 2012

10a			
Sheet 1 of 1	C	Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development	23.08.12
Architectural Plans Prepared by The Buchan Group – Precinct 1			
Drawing No.	Revision	Name of Plan	Date
SK001	F	Site Plan & Location Plan	21.08.2012
SK104	G	Elevation	21.08.2012
SK106	B	Elevation	21.08.2012
Architectural Plans Prepared by Push – Precinct 1			
Drawing No.	Revision	Name of Plan	Date
DA0000	G	Locality Map	Dec 2016
DA1000	P3	Proposed Site Plan	Dec 2016
DA1001	F	Proposed Ground Floor Plan	Sep 2016
DA1003	C	Proposed Roof Plan	Sep 2016
DA2001	E	Elevations	Sep 2016
DA2002	E	Elevations	Sep 2015
DA3001	C	Sections	Sep 2016
DA5000	F	Proposed Landscape Plan	Dec 2016
DA5001	C	Proposed Landscape Sections	Dec 2016
Engineering Plans Prepared by Mortons Urban Solutions			
Drawing No.	Revision	Name of Plan	Date
12301-SK-60A	C	Kings Forest Precinct 1 Grading Plan	25.11.2016
12301-SK-061	A	Kings Forest Sections and Indicative Drainage Profile	16.12.2014
12301-SK-111	B	Indicative Plan and Section Tweed Coast Road and Kings Forest Parkway Ultimate Intersection	28.11.2016

Inconsistencies Between Documents

A4.

- 1) In the event of any inconsistency between the documentation referred to in condition A3, the most recent document shall prevail to the extent of the inconsistency.
- 2) In the event of any inconsistency between the conditions of this approval and the documents referred to in condition A3, including the Proponent's Statement of Commitments, the conditions of this approval shall prevail.
- 3) In the event of any inconsistency between this project approval and the concept plan approval, or any other development consent over the land, the concept plan approval shall prevail to the extent of the inconsistency

Subdivision Manual

A5.

- 1) All works approved as part of this project are to be carried out generally in accordance with Council's *Development Control Plan Part A5 - Subdivision Manual* (as in force at the date of this approval) and council's relevant Development Design and Construction Specifications (as in force at the date of this approval) unless otherwise altered by the provisions of the Kings Forest Development Code.

Note: minor variations to the drawings approved in this approval may be required and approved in applications for construction certificate at the discretion of the certifying authority.

- 2) Notwithstanding condition A5(1) above, where there is any inconsistency with the Subdivision Manual, the conditions of this approval, the Kings Forest Concept Plan (06_0316) and Kings Forest Development Code, prevail to the extent of the inconsistency.

Construction Staging (Bulk Earthworks)

A6.

- 1) Bulk earthworks are to be undertaken in stages as generally described below, as per Morton's plan 12301-SK-050 Revision A, dated 29/01/13 and the Bulk Earthworks Sequencing Diagram 12301-ALL-041 Revision B, dated 16 October 2012:
 - 1) Stage 1(a) Precinct 5 (Phase 1)
 - 2) Stage 1(b) Precinct 5 (Phase 2)
 - 3) Stage 1(c) Precinct 1, Precinct 2, Kings Forest Parkway and part Precinct 4 (Phase 3)
 - 4) Stage 1(d) Precinct 5 (Phase 4)
 - 5) Stage 1(e) Precinct 4 (Phase 5)
 - 6) Stage 1(f) Precinct 4 (Phase 6)
 - 7) Stage 1(g) Precincts 6-11
 - 8) Stage 1(h) Precincts 12 – 14

Construction Staging (Civil Works)

A7. Civil works are to be constructed in stages as generally described below:

- 1) Stage 1 – Bulk earthworks and civil infrastructure – Tweed Coast Road intersection and civil infrastructure for Precincts 1 and 5
- 2) Stage 2 – Roadworks for the remainder of the Kings Forest Parkway and the roads to Precincts 12 to 14.

Subdivision Staging

A8. Precinct 5 is to be subdivided into 376 torrens title residential lots in stages as generally described below:

	Townhouses	Terraces	Duplexes	Zero-Lot Dwelling	Traditional Detached Dwelling	Totals
Stage 1	-	23	3	36	48	110
Stage 2	-	-	2	18	3	23
Stage 3	-	-	1	8	6	15
Stage 4	-	-	3	23	13	39
Stage 5	-	-	1	36	22	59
Stage 6	-	-	3	17	3	23
Stage 7	-	14	3	20	12	49
Stage 8	-	-	5	18	8	31
Stage 9	-	-	4	16	6	26
Stage 10	1	-	-	-	-	1
					TOTAL	376

Stages 1, 2 and 3 shall be undertaken first. The order of subsequent stages can be varied by the Proponent with the written approval of the ~~Director-General~~ **Secretary**.

Statutory Requirements

A9. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. 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.

Note: This condition does not override the provisions of Section 75U of the EP&A Act

Environmental Planning and Assessment Act 1979

Road Works

A10. All road works associated with the proposal will be at no cost to council.

Note: Contribution credits will apply for any works undertaken on the Tweed Coast Road which are included in the TRCP, Section 94 Plan No. 4.

Certification

A11.

- 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.

Limits of Approval

A12.

- 1) This approval does not give approval to ~~the first use of the rural supplies building in Precinct 1, including hours of operation, car parking, access to Tweed Coast Road, retail fit out, first use or signage of the building in Precinct 1.~~ Separate development approval/s consent for these matters must be obtained.
- 2) The use of the building as a service station/food and drink premises shall not commence until an occupation certificate is issued for the internal fit out.
- 3) Pub/s, small bar/s or outdoor dining areas are not permitted within Precinct 1 (service station/food and drink premises).
- 4) This approval does not approve the removal of any heathland within the full extent of the 50 metre ecological buffers in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 12 of the Buffer Management Plan for Precinct 1 & 5 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012 and Figure 9 of the Buffer Management Plan for Precincts 2-4 & 6-14 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.
- 5) This approval does not approve any bulk earthworks within ecological buffers across all precincts as depicted on Drawing No. 12301-ALL-041 Revision B, with the exception of minor encroachments into the Precinct 5 ecological buffer for the construction of stormwater management areas (bioinfiltration and vegetated swales), placement of Koala fencing, and construction of Road No. 9 in the south western corner of Precinct 5 for an area of 686m² as contained within the Proponent's Preferred Project Report 2012 and shown on the Precinct 5 Swale Sections Plan (Drawing No.12301-SK-044 Amendment C dated 15 August 2012) and Road Reserve / Buffer Interface Plan (Drawing No.12301-SK-046 Amendment A dated 17 August 2012).
- 6) This approval does not give approval to any bulk earthworks in Precinct 3. Separate approval(s) for these works must be obtained from council if required by the EP&A Act 1979.
- 7) This approval does not give approval for any transport of fill sourced within the land that is the subject of the approval to other land.

Management and Maintenance of Environmental Lands

~~A13. The Proponent is responsible for the management of all Potential Council Land and Future OEH Land to be dedicated to Council in the future and the Offset Areas for conservation purposes and the implementation of all establishment period and maintenance period works ongoing management and maintenance activities specified in all Environmental Management Plans from the date on which bulk earthworks are commenced date of the Stage 1 project approval (08_0194),~~

~~until such time that an agreement is reached with OEH and/or Tweed Shire Council regarding the dedication of that land.~~

Management and Maintenance of Environmental Lands

- A13. The proponent is responsible for the management of all Potential Council Land and Future OEH Land for conservation purposes and the implementation of all establishment period and maintenance period works specified in all Environmental Management Plans from the date of the commencement of the project, or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

Prescribed Conditions

- A14. The Proponent shall comply with all relevant prescribed conditions of the project approval under Part 6, Division 8A of the Regulation.

~~Director General as Moderator~~

- ~~A15. 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.~~

Dispute Resolution

- A15. In the event that a dispute arises between the proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter may be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the EP&A Act.

Legal Notices

- A16. Any advice or notice to the approval authority shall be served on the ~~Director General~~ **Secretary**.

Lapsing of Approval

- A17. 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.

PART ONE – SUBDIVISION OF ENTIRE SITE**Subdivision of Kings Forest Estate**

1.

- 1) The Proponent shall subdivide the entire site. ~~prior to commencing any bulk earthworks across the site.~~ The subdivision at this stage shall be generally in accordance with the following plans:

Plan of Subdivision prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13

- 2) The subdivision shall create the following new allotments:

Proposed Lot	Proposed Use	Area
Lot 1	Precinct 1 – rural supplies development service station/food and drink premises	2.368 ha
Lot 2	Precinct 5 – residential development and part of Kings Forest Parkway	41.28 ha
Lot 3	Environmental protection areas to be dedicated to NPWS (including roads proposed to be closed)	180.6 ha
Lot 4	Environmental protection areas to be offered to TSC for dedication	5.18 ha
Lot 5	Environmental protection areas to be offered to TSC for dedication	4.686 ha
Lot 6	Regional sewer pump station	396m ²
Lot 7	Precincts 2, 3 and 4	36.94 ha
Lot 8	Road to southern precincts	1.119 ha
Lot 9	Part of Kings Forest Parkway and road to southern precincts	3.967 ha
Lot 10	Precincts 6 to 14	592.2 ha

Registration of Easements / Restrictions to Use / Rights of Carriageway

2.

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable to the subdivision of the entire Kings Forest Estate under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
- Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property
 - Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.

- c) Easements for existing and proposed powerlines benefiting the energy supplier to allow access for maintenance purposes
- d) An easement over the existing 600mm water main across Precincts 12, 13 and 14 registered on title over the location of the main. The 88B is to benefit council and contain a provision enabling the easement to be revoked, varied or modified only with the consent of council.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of council
- 3) Pursuant to Section 88BA of the *Conveyancing Act 1919* 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 for costs to be shared equally or proportionally on an equitable basis.

Environmental Offset Areas

3. ~~Within 3 months of the date of this approval, or as otherwise agreed with the Director General, the Proponent shall:~~
- ~~a) engage a registered surveyor to prepare a survey plan(s) and permanently mark the boundaries of the: land to be dedicated to Council in the future and the Offset Area~~
 - ~~b) where relevant, submit amended plans of proposed subdivision to the Director General for approval that show the land to be dedicated to Council in the future and the Offset Area as separate lots;~~
 - ~~c) ensure that the boundaries so marked by the surveyor remain marked at all times in a permanent manner that allows operating staff, the landowner and inspecting officers to clearly identify those boundaries; and~~
 - ~~d) submit for the Director General approval, a form of dealing(s) to be registered on the title to the land to be dedicated to Council in the future and the Offset Area that must:~~
 - ~~i. bind all future landowners;~~
 - ~~ii. provide for the management of the land to be dedicated to Council in the future and the Offset Area for conservation purposes including the implementation of relevant Environmental Management Plans, in perpetuity;~~
 - ~~iii. permit access to the land to be dedicated to Council in the future and the Offset Area by the Department, the OEH and Council at all times for the purpose of monitoring compliance with relevant covenants and the Environmental Management Plans; and~~
 - ~~iv. provide for a release of any registered dealings in circumstances where all or part of the land to be dedicated to Council in the future or the Offset Area are transferred to a public authority.~~
 - ~~e) Where land is not subject to any amended plans of subdivision, the Proponent must within 1 month of the Director General approval of the dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the land to be dedicated to Council in the future or the Offset Area and provide to the Director General evidence of such registration within 10 days of the dealing(s) being registered.~~
 - ~~f) Where land to be dedicated to Council in the future or the Offset Area is subject to any amended plans of subdivision, the Proponent must within 3 months of the later of the Director General **Secretary's** approval of the amended plans of subdivision under condition 3(1)(b) or the Director General **Secretary's** approval of dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the land to be dedicated to Council in the future or the Offset Area to the Director General evidence of such registration within 10 days of the dealing(s) being registered.~~

Environmental Offset Areas

3. Prior to commencing any Bulk Earthworks in a Precinct, or as otherwise agreed between the Proponent and the Secretary, the Proponent shall:
- a) engage a registered surveyor to prepare survey plan(s) and permanently mark the boundaries of the:
 - i) the contiguous area of Potential Council Land; and
 - ii) the contiguous area of Future OEH Land

immediately adjacent to the Precinct (unless the relevant contiguous area has already been marked due to the earlier commencement of Bulk Earthworks in another Precinct). A staging plan for the survey works is to be submitted to the Department prior to the commencement of the project.

- b) where relevant, submit amended plans of proposed subdivision to the Secretary for approval that show the relevant contiguous Potential Council Land and the relevant contiguous Future OEH Land as separate lots;
- c) ensure that the boundaries marked by the surveyor remain marked at all times in a permanent manner that allows operating staff, the landowner and inspecting officers to clearly identify those boundaries; and
- d) submit for the Secretary's approval, a form of dealing(s) to be registered on the title to the Potential Council Land and the Future OEH Land that must:
 - i. bind all future landowners;
 - ii. provide for the management of the Potential Council Land and the Future OEH Land for conservation purposes including the implementation of relevant Environmental Management Plans, in perpetuity;
 - iii. permit access to the Potential Council Land and the Future OEH Land by the Department, the OEH and Council at all times for the purpose of monitoring compliance with relevant covenants and the Environmental Management Plans; and
 - iv. provide for a release of any registered dealings in circumstances where all or part of the Potential Council Land or the Future OEH Land are transferred to a public authority.
- e) Where the Potential Council Land or the Future OEH Land is not subject to any amended plans of subdivision, the Proponent must within 1 month of the Secretary's approval of the dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the Potential Council Land or the Future OEH Land and provide to the Secretary evidence of such registration within 10 days of the dealing(s) being registered.
- f) Where Potential Council Land or the Future OEH land is subject to any amended plans of subdivision, the Proponent must within 3 months of the later of the Secretary's approval of the amended plans of subdivision under condition 3(b) or the Secretary's approval of dealing(s) referred to in condition 3(d), lodge for registration the dealing(s) on the relevant titles to the Potential Council Land or the Future OEH Land to the Director-General evidence of such registration within 10 days of the dealing(s) being registered.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

PART TWO – BULK EARTHWORKS AND CIVIL WORKS (ALL PRECINCTS)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Pre-Construction Dilapidation Report

- 4. The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 bulk earthworks. A copy of the report is to be forwarded to the department and council.

Earthworks Prohibited in Ecological Buffers

- 5. Prior to the issue of the first construction certificate for bulk earthworks, all civil works drawings shall be amended and submitted to the department for approval. The amended plans must clearly demonstrate that there will be no earthworks activities in the full 50 metre width of the ecological buffers anywhere across the site, with the exception of Precinct 5, as outlined in Condition A12 above and Roads 9, 10 and 23 that traverse the ecological buffers to access the southern and western precincts.

Construction Compliance Bond

6. Prior to the issue of the first construction certificate for Civil Works, 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 Civil Works as set out in council's fees and charges at the time of payment. The bond may be called up at any time for the payment of the cost of either or both of the following non compliances with the conditions of approval:
- a) Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the approval relates;
 - b) Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the approval.

Long Service Levy

7. In accordance with Section 109F(1b) of the Act, 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.

EARTHWORKS

Heavy Haulage Component

8. Payment of a contribution pursuant to Section 94 of the EP&A Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 6.01.1 (as in force at the date of this approval) is required prior to the issue of the first subdivision certificate.

Staging of Bulk Earthworks

9. Staging of the bulk earthworks shall be in accordance with the following:
- a) A Construction Certificate application for Bulk Earthworks shall be lodged for each of the proposed 8 (eight) sequences or stages for the earthworks as detailed in the bulk earthworks drawings numbers 12301-ALL-041 Revision B prepared by Mortons Urban Solutions dated 16 October 2012.
 - b) An earthworks phasing diagram shall be submitted with each application for a construction certificate for bulk earthworks to define maximum exposed areas.
 - c) A detailed construction management strategy is to be provided for each sequence/stage of the bulk earthworks, identifying how the site and earthworks are to be programmed and managed.
 - d) Bulk earthworks for the site are to be limited to a maximum exposed disturbed area (that has not been permanently vegetated) not exceeding a maximum of 5ha at any time to reduce exposed areas, unless otherwise approved by the ~~Director-General~~ **Secretary** at the request of the Proponent.
 - e) Bulk Earthworks Sequence 9 is to be further managed by being broken down into smaller maximum exposed areas, no greater than 5ha.
 - f) Notwithstanding d) above, the Kings Forest Precinct 1-5 Earthworks Phasing Diagram dated 29 January 2013 Revision A is approved subject to the following modifications:
 - i. Phase 1 shall be further broken down into two phases with a maximum exposed area no greater than 5.5ha.
 - ii. Phase 2 shall be broken down into two phases with a maximum exposed area no greater than 9ha.
 - iii. Phase 3 shall be broken down into two phases with a maximum exposed area no greater than 7ha.
 - iv. Phase 6 shall be broken down into two phases with a maximum exposed area no greater than 9ha.
 - g) Works are to be topsoiled, mulched and seeded within 7 days after completion to protect the exposed areas from water and wind erosion.

Plans of Bulk Earthworks

10. The Proponent shall submit the following plans and specifications with an application for construction certificate for the Bulk Earthworks:
- a) Natural and finished development levels (spot levels and contours) clearly detailed with a legible scale.
 - b) Sediment and erosion control plans
 - c) Geotechnical compliance
 - d) Planting/hydromulching for short term and long term batter slopes
 - e) An earthworks phasing diagram that defines maximum exposed areas

- f) Maximum batter slopes shall be consistent with the recommended maximum batter slopes for stability in the geotechnical report titled "Geotechnical Investigation proposed residential subdivision Depot Road Kings Forest" prepared by Cardno Bowler dated 7 April 2011.
- g) Areas in which the natural slope exceeds 25%, a qualified geotechnical engineer is to provide further advice in relation to cut / fill construction for the bulk earthworks.
- h) A shake down area along the haul road immediately before the intersection with the road reserve.
- i) Compliance with the provisions of Council's Design Specification D6 – Site regarding.
- j) Measures to be implemented during bulk earthworks operations to ensure the existing 600mm trunk water main is protected.

Bulk Earthworks Geotechnical Compliance

11. Each stage shall be preceded by an endorsement of detailed earthworks design plans by a practising geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the Geotechnical Report prepared by Cardno Bowler titled Geotechnical Investigation proposed subdivision Depot Road, Kings Forest dated 7 April 2011.

Retaining Walls

12. Any retaining walls and/or shoring must be designed and installed in accordance with appropriate professional standards and the relevant requirements of council's Development Design Specification D6 – Site Regrading (as in force at the date of this approval), the BCA and Australian Standards. Details of proposed retaining walls and/or shoring are to be submitted to and approved by the certifying authority prior to commencing such excavations or works.

Compressible Clay Material in Precincts 11, 12 to 14

13.
 - ~~4) No filling is to occur in these areas until certification is provided by a practicing geotechnical engineer. The certification is to state that no settlement will occur and the proposed areas are capable of being developed without the need for special construction techniques. Settlement plate information is to be provided with geotechnical certification from a qualified geotechnical engineer to validate that settlement has terminated.~~
 - 1) Areas of compressible clay material in Precincts 11, 12-14 (Bulk Earthworks Sequences/Stages 3 & 4) are to be to the satisfaction of a practicing geotechnical engineer.
 - 2) Prior to the issue of a Construction Certificate for the filling of any area within Precincts 11, 12 - 14 a detailed geotechnical investigation is to be carried out by an appropriately qualified practising geotechnical engineer to the satisfaction of the Secretary. The investigation is to identify any areas of compressible clay materials which may require preloading or other forms of treatment necessary to deliver the appropriate consolidation to suit future development.
 - 3) All earthworks are to be carried out in accordance with AS3798-2007 (Guidelines on earthworks for commercial and residential Developments) under Level 1 supervision and in accordance with the requirements of the findings of the detailed geotechnical investigation as per condition in 2) above. Any preloading or other forms of work carried out to ensure the appropriate consolidation of any compressible clay materials are to be monitored and assessed against the relevant performance criteria.
 - 4) At the completion of the works and prior to the issue of a subdivision certificate for any proposed allotments within Precincts 11, 12-14 an appropriately qualified practising geotechnical engineer is to provide certification that all filling works have been carried out under Level 1 Supervision in accordance with AS3798-2007 and, where applicable, compressible clay materials have achieved the required levels of consolidation.

Cut and Fill Levels

14. Cut and fill levels for each stage within the project are to be generally in accordance with the Bulk Earthwork Cut and Fill Level Diagram 12301-ALL-040 Revision F prepared by Mortons Urban Solutions dated 16 October 2012. Cut and fill is not approved in the full 50m width of all ecological buffers, as specified in Condition A12(3).

Site Regrading

15. Site regrading undertaken for all stages of the project must be undertaken in accordance with council's Development Design Specification D6 – Site Regrading (as in force at the date of this approval).

Evidence of compliance with this specification must be provided to the Certifying Authority for approval (by way of engineering plans) prior to issue of the construction certificate for each stage of the project.

Heavy Haulage Management Plan

16.

- 1) A revised haulage management plan is to be provided for the proposed importation of 320,000m³ of fill to the site. The management plan is to include:
 - a) Alignment of the haulage route
 - b) Documentation to demonstrate that the alignment and width of the road network is suitable for a truck and/or trailer combination travelling at the prevailing speed environment for the road
 - c) Pavement testing results and corrective actions where necessary
 - d) Time frame for the proposed haulage of material
 - e) Source of fill material
 - f) Certification from a practicing geotechnical engineer that the material is suitable for the intended purpose prior to the commencement of filling works for each stage of the subdivision involving imported fill. 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.
 - g) Address impacts on the surrounding road network and residents
 - h) Applicable environmental management measures
 - i) Traffic control plan prepared by a suitably qualified person
 - j) An assessment of the impacts of noise, dust and community safety on adjoining land uses along the proposed haul route.
 - k) The management plans should also include an assessment of alternative haul route options.
- 2) The haulage management plan is to be provided when the importation of fill material is required and is to be lodged with the application for a Construction Certificate (bulk earthworks) for sequence / stage 9 as detailed on drawing number 12301-ALL-050 (A) titled 'Bulk Earthworks sequencing diagram sequence 9 detail sheet' prepared by Mortons Urban Solutions dated 24 August 2012.

Acid Sulfate Soil Management Plan

17.

- 1) Where soil testing prior to the commencement of construction identifies the presence of acid sulphate soils, a detailed **Acid Sulfate Soil Management Plan** shall be prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be prepared in consultation with the NSW Office of Water and submitted to the Certifying Authority prior to the issue of a construction certificate for Stage 1 bulk earthworks.
- 2) The Plan must be consistent with the Kings Forest Stage 1 Management Plan.

Contamination

18. A Site Audit Statement prepared by an accredited NSW Site Auditor appointed under the provisions of the *Contaminated Land Management Act 1997* shall be provided to the certifying authority certifying the suitability of the subject land, being Precincts 1, 5 and subdivision and infrastructure works associated with Stage 1, for the intended purposes.

WATER MANAGEMENT

Groundwater Management – Licensing Requirements

19. The Proponent must obtain all relevant licences under the *Water Act 1912* and the *Water Management Act 2000* (whichever is relevant at the time the application is made) for all activities that intercept or extract groundwater and surface water, including constructed ponds/wetlands/lagoons.

Integrated Water Cycle Management Plan

20. The Proponent shall engage a suitably qualified person to prepare a revised **Integrated Water Cycle Management Plan** for the whole site, to be submitted to the satisfaction of the PCA prior to the issue of a construction certificate for Stage 1 civil works. The Plan shall be prepared generally in accordance with the Integrated Water Cycle Management Plan contained in the PPR, and shall include, but not be limited to the following:
 - 1) Engineering designs for stormwater, drainage and water sensitive urban design measures at the site, including rainwater tanks, infiltration systems, vegetated swales, bioretention trenches, pervious parking areas and constructed wetlands.
 - a) Water Sensitive Urban Design measures are to be designed in accordance with the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Healthy Waterways)* and *Council's Development Design Specification D7 - Stormwater Quality*.

- b) Stormwater mitigation measures shall be designed to comply with section 120 of the *Protection of the Environment Operations Act 1997* to prohibit the pollution of waters from the operation of the Project.
 - c) The design of any constructed wetland must be in accordance with any Harvestable Right Order published under Section 54 of the *Water Management Act 2000*.
 - d) All water quality treatment and/or detention devices that are constructed below the water table must be lined (clay or geo-fabric) to minimise the hydraulic connection with the surrounding groundwater system.
- 2) Hydrology and hydraulic calculations based on models described in the current edition of *Australian Rainfall and Runoff*.
 - 3) A maintenance plan for all stormwater mitigation measures including Water Sensitive Urban design to be maintained to their design specifications into perpetuity.
 - 4) The Plan must be consistent with the Kings Forest Stage 1 Management Plan.

Stormwater Management

21.

- 1) An all weather maintenance access track shall be provided alongside the Kings Forest biofiltration swale to ensure maintenance activities can occur without disruption to road users. This track must be retained until such time that Kings Forest Parkway is upgraded to a 4 lane layout.
- 2) All plantings in biofiltration areas must be included in detailed landscaping plans, with requirements relating to bushfire protection taking precedence where they are located within APZs.
- 3) The interim water quality criteria / discharge criteria for aluminium be revised downward to reflect the ANZECC guideline method.
- 4) The maximum concentration of suspended solids that may be discharged under controlled conditions from the site in stormwater during construction and operational phases shall be derived in accordance with the ANZECC method of determination.
- 5) Water quality at proposed surface water quality monitoring sites SW1 - SW7 is to be monitored and reported on in accordance with water quality objectives set for the Tweed Catchment by the NSW Office of Environment and Heritage as follows:

Parameter	Unit	Objective as per NSW Office Environment and Heritage
pH	pH units	Freshwater 6.5 - 8.5 Estuary 7 - 8.5
Dissolved oxygen	mg/L	80 - 100% saturation
Turbidity	NTU	0.5 - 10 NTU
Total phosphorous	mg/L	0.03 mg/L
Total nitrogen	mg/L	0.3mg/L
Chlorophyll a	ug/L	<4

Flood Management

22.

- 1) Each stage of the development must be designed to ensure that the flood management (including evacuation measures to ground above the Probable Maximum Flood) arrangements for the site (as it relates to the relevant stage of the project) is consistent with the Flooding and Flood Management Assessment prepared by Gilbert & Sutherland dated June 2011, the Preliminary Flood Assessment prepared by Gilbert & Sutherland dated December 2012 and the NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010 or successive documents.
- 2) Compliance with the requirements of part 1) of this condition must be certified by a suitably qualified hydrology/hydraulic engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for Stage1 bulk earthworks.

ROADS AND TRAFFIC

Road Design

23.

- 1) Kerb and gutter (kerb/edge restraint on one way cross fall roads) 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) The design of all roads shall be consistent with the Stage 1 Project Application Road Hierarchy (Plan No. 06) prepared by RPS dated 23 August 2012 and the Stage 1 Project Application Precinct 5 Road Network plan (Plan No. 15) prepared by RPS dated 29 August 2012, except where amended by this condition.
- 3) 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 civil works for each stage of the project.
- 4) Construction of all roads must be to an urban, asphalt road formation to Council's Development Design Specification D1 – Road Design.
- 5) All landscaping indents along Kings Forest Parkway for the entire proposed length from Tweed Coast Road through to proposed Road 9, that reduce the pavement width to less than 9m shall be removed or reduced in size such that the road carriageway may be constructed to a minimum pavement width of 9m.
- 6) Kings Forest Parkway road carriageway is to be constructed to a minimum pavement width of 9m from the entry with Tweed Coast Road through to proposed Road 9. These details are to be provided on an application for a Construction Certificate.
- 7) All proposed roads (laneways) shall provide a minimum pavement width of 6m.
- 8) Access roads are to have a minimum horizontal curve radius of 10m for access roads and 15m for neighbourhood collector roads to eliminate sharp curves.
- 9) All batter slopes for road embankments greater than 1:4 are to be planted. The planting details are to be shown on a landscaping plan prepared by a suitably qualified person.
- 10) Details of fauna exclusion fencing and underpasses for roads traversing Environmental Protection Areas are to be provided to the ~~Director-General~~ **Secretary** for approval prior to the issue of a construction certificate for bulk earthworks in the southern and/or western development precincts. This may include temporary fencing and underpasses during the construction phase.

Regulatory Signage

24. All traffic regulatory signage and line marking is to be in accordance with the Australian Standard 1742.13-5009, Manual of Uniform Traffic Control Devices and the Roads and Maritime Services NSW signage guidelines, including supplements to AS1742 for each stage of the subdivision.

Cycleways/Footpaths

25.

- 1) 2.5m wide reinforced concrete cycleways are to be provided as per drawing number 12301-05-008 (B) titled "Indicative Staging Plan" prepared by Mortons Urban Solutions dated 27 August 2012. All cycleways are to be designed in accordance with council's standard drawing 'Footway and Cycleway Details' SD013, May 2004.
- 2) A 2.5m wide reinforced concrete cycleway is to be provided through Precinct 5 connecting the Kings Forest Parkway cycleway and the eastern perimeter cycleway, via the central park.
- 3) A 2.5m wide reinforced concrete cycleway is to be provided on the Western side of Tweed Coast Road from the proposed entry on Kings Forest Parkway, linking into the existing 2.5m wide shared user path at the Cudgen Creek bridge, prior to the release of the first residential lot. A contribution credit is to be applied against the council's Section 94 Plan No.22 – Cycleways for construction of this cyclepath.
- 4) A reinforced concrete footpath 1.2m wide is to be constructed on a compacted base on all roads, except laneways in accordance with council's standard drawing 'Footway and Cycleway Details' SD013, May 2004.

Intersections

26. A two lane roundabout shall be constructed in general accordance with Mortons Urban Solutions Drawing Number 12301-EMAW-101 (Amendment D) at the intersection of Tweed Coast Road and the Kings Forest Parkway prior to the release of the first residential lot in Precinct 5 or the development of Precinct 1.

Old Bogangar Road Access

27.

- 1)
- 2) ~~Detailed design of the proposed intersection between the Old Bogangar Road service road and Tweed Coast Road, endorsed by the Director of Engineering and Operations of Tweed Shire Council (the Road Authority), shall be provided to the satisfaction of the Director-General Secretary within 24 Months 12 months of the date of this approval.~~
- 3) ~~The detailed design shall take into account the proximity of, and access arrangements at, the Kings Forest Parkway / Tweed Coast Road intersection, and the Precinct 1 access driveway, incorporating the relevant specifications of AUSTRROADS, Roads and Maritime Services, and Standards Australia.~~
- 4) ~~Options to be considered to achieve compliant intersection arrangements shall include (but not be limited to):~~
 - a. ~~Relocation of the Precinct 1 driveway to create a four-way intersection with old Bogangar Road;~~
 - b. ~~Appropriate intersection treatment of the four-way intersection created by (a);~~
 - c. ~~Provision of U-turn facilities on Tweed Coast Road;~~
 - d. ~~Connection of Old Bogangar Road to Kings Forest Parkway.~~
- 5) ~~Individual and adjacent intersection modelling be provided to ensure all movements achieve adequate levels of service, queue lengths and time delays, to the satisfaction of the Road Authority.~~
- 6) ~~Any preferred option that requires the realignment of Old Bogangar Road from its existing connection to Tweed Coast Road requires stakeholder consultation and separate planning approval from Council.~~
- 7) ~~The detailed design shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.~~

Intersection Design

28.

- 1) Final intersection design plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for relevant civil works for the following intersections:
 - a) Tweed Coast Road and service station/food and drink premises ~~Rural Retail Access~~ (Precinct 1);
 - b) Tweed Coast Road and Old Bogangar Road;
 - c) Tweed Coast Road and Kings Forest Parkway;
 - d) Town Centre Access and Kings Forest Parkway;
 - e) Residential Precinct 5 access and Kings Forest Parkway; and
 - f) Access Roads to southern precincts and Kings Forest Parkway.

Advisory Note: Detailed design of (a) ~~and~~ (b), and (c) shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.

Depot Road Access and Services

29.

- 1) Closure of the Depot Road road reserve and the existing access to the Depot Road sports fields site shall not occur until an alternative access road capable of supporting the continued development and future use of the sports fields is provided, and the road reserve is dedicated to Council. The alignment of the access to the Depot Road sports fields site shall be compatible with the concept layout for the proposed sports fields, taking into account boundary constraints, vegetation mapping, current consents and future infrastructure servicing needs, including water, sewerage, telecommunications, and electricity, to the satisfaction of council.
- 2) The design of the Kings Forest water, sewerage, electricity and telecommunications networks adjacent to the Depot Road sports fields must provide adequate capacity for the future connection of this site by council.

UTILITIES

Water Supply and Sewerage Strategy

30. Prior to the issue of a Construction Certificate for civil works the Proponent shall engage a suitably qualified person to prepare a detailed Water Supply and Sewerage Strategy for the whole site in consultation with and to the satisfaction of Council.

Water & Sewer

31.

- 1) Reticulated water supply and outfall sewerage reticulation shall be provided to ~~all lots~~ all residential lots and all lots for private occupation, community facilities lots, sports fields, parks, play areas, other utility facilities (pump stations etc.) but not including proposed environmental open space lots within the project in accordance with council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications (as in force at the date of this approval).
- 2) A sewer conveyancing design report shall be submitted for all sewer pump stations and rising mains proposed to be constructed in the project. The study will include staging of pumps and mains, odour and septicity issues, interaction of future pump stations that may share the rising mains and controls for variable speed pumps that may be recommended. The sewer conveyancing design report is to be provided prior to the issue of a Construction Certificate for civil works relating to water and sewer.
- 3) A water supply network model study of the water reticulation within Precincts 1 and 5 shall be submitted to Council for approval as required by Council's Development Design Specification D11 (as in force at the date of this approval) prior to the issue of a construction certificate for civil works relating to water and sewer.
- 4) Prior to the issue of a construction certificate for any stage of the civil works in Precinct 5 and Precinct 1 the Proponent must prepare a detailed network analysis and plans for water and sewer reticulation infrastructure. The analyses must be prepared in accordance with council's Development Design Specification D11 and D12 (as in force at the date of this approval) respectively.

Zone Substation

32. The final location of the new zone substation must be approved by Essential Energy prior to the issue of a Construction Certificate for civil works.

Protection of Existing Assets

33. Prior to the issue of a construction certificate for bulk earthworks the Proponent is to provide documentary evidence that an easement five (5) metres wide and centrally located over the existing 600mm trunk water main has been created in Lots 76 and 272 on DP755701.

BUSHFIRE

Bushfire Risk Management Plan

34. The Bushfire Risk Management Plan (BRMP) shall be amended to address the following:
- 1) Co-operative relations between neighbours to minimise the potential for wildfires and work towards fire frequencies and intensities that do not impact on Koala populations
 - 2) Management actions required for future ongoing fire related Koala management in environmental protection zones.
 - 3) The revised BRMP shall be endorsed by OEH prior to the issue of a construction certificate for civil works.

LANDSCAPING

Landscape Plan

35. A revised **Landscape Plan** by a qualified landscape architect must be submitted for all areas of casual open space, structured open space, cycleways, pedestrian walkways, fauna crossings, vegetated stormwater treatment facilities, and streetscapes to be dedicated to council. Such a plan must be approved by council prior to the issue of a Construction Certificate for Stage 1 bulk earthworks. The Plan shall:
- 1) Include a planting schedule. Species selection shall be limited to locally occurring native species.
 - 2) Include embellishments that do not exceed the requirements of council's Subdivision Manual (Section A5 of the Tweed Development Control Plan) (as in force at the date of this approval) and Development Design Specification (D14) (as in force at the date of this approval) and related Standard Drawings (as in force at the date of this approval) and include grassing, landscaping, seating, playground equipment and shade cover.
 - 3) Address the standard and extent of streetscaping such that it will not place undue maintenance requirements on Council following the establishment period. This includes elimination or redesign of any streetscaping features such as median and roundabout plantings, which require the closure of traffic lanes in order for workers to carry out routine maintenance in a safe manner; the size and

location of large trees in relation to stormwater facilities and underground services; and the number and location of garden beds in road reserves.

- 4) Include details showing the final drainage, edging, paving, surface finishes, retaining wall and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
- 5) Comply with the principles of Appendix 5 of '*Planning for Bush Fire Protection 2006*'.
- 6) Include details showing how all landscaping elements under the plan shall be maintained in accordance with the Plan into perpetuity.
- 7) Be consistent with the Landscape Plan for Precinct 1 and the Stage 1 Statement of Landscape Intent.
- 8) Be compatible with the Kings Forest Stage 1 Management Plan.

Landscaping

36.

- 1) Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009), particularly in relation to nearby hazards and mitigation measures.
Note: New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.
- 2) No estate signage or entry statement embellishments are permitted on public land or publicly owned assets unless the Proponent pays to Council a bond (based on the estimated cost of removing the facilities) for the cost of removal after a period of time agreed to by the asset owner.
- 3) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 15° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application. Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
 - a. Contours and terraces where the height exceeds 1m.
 - b. Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - c. Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
 - d. Mulch heavily (minimum 100mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

MONITORING

Baseline Monitoring

37.

- 4) ~~Prior to the issue of a construction certificate for bulk earthworks, the Proponent must demonstrate to the satisfaction of the department that all baseline monitoring has commenced in accordance with the relevant Environmental Management Plans, including the following:~~
 - ~~a. Flora and Fauna Monitoring Report~~
 - ~~b. Groundwater Management Plan~~
 - ~~c. Overall Water Management Plan~~
 - ~~d. Stormwater Management Plan~~
- 1) Prior to the issue of the first Construction Certificate, the proponent must demonstrate to the satisfaction of the Department that sufficient baseline monitoring has commenced in accordance with the relevant Environmental Management Plans, including the following:
 - a. Flora and Fauna Monitoring Report;
 - b. Groundwater Management Plan;
 - c. Overall Water Management Plan; and
 - d. Stormwater Management Plan.
- 2) The Proponent must ensure that all monitoring bores and works that intersect groundwater are licensed, if relevant, from the NSW Office of Water.

ENVIRONMENTAL MANAGEMENT

Drain Maintenance Management Plan

38. The following revisions are to be made to the Drain Maintenance Management Plan (DMMP), to the satisfaction of the NSW Office of Water and the OEH:

- 1) The implementation schedule of the DMMP shall be revised to include specific map references to identify the area of works for each action
- 2) The Plan must be consistent with NSW Office of Water's *Guidelines for riparian corridors on waterfront land* (July 2012) and *Guidelines for Controlled Activities*.
- 3) The use and/or maintenance of existing and proposed roads within 40 metres of any watercourse must be carried out consistently with the *Guidelines for Controlled Activities*.
- 4) The methodology for determining the proposed maintenance requirements shall be included in the revised Plan.
- 5) Details of a monitoring program and methodology for determining 'significant silt deposits' should be provided.
- 6) Any trails adjacent Blacks Creek that are proposed to be maintained for the purpose of the DMMP must be clearly identified and excluded from Offset Lands identified for transfer to OEH as additions to Cudgen Nature Reserve.

Environmental Management Plans

39.

- 1) All Environmental Management Plans shall be revised to address management actions to be undertaken throughout the life of the project as relevant to the development precincts that the plan covers. This includes a detailed set of agreed establishment and maintenance phase performance completion criteria, ongoing monitoring and an annual maintenance schedule of works following the initial establishment period. This includes the following plans:
 - a. Flora and Fauna Monitoring Report
 - b. Buffer Management Plan
 - c. Vegetation Management Plan
 - d. Koala Plan of Management
 - e. Feral Animal Management Plan
 - f. Weed Management Plan
 - g. Threatened Species Management Plan
- 2) Performance criteria for all management plans are reviewed to ensure they are specific to each precinct and action, measurable, achievable, relevant and timely
- 3) The implementation schedule of all Environmental Management Plans shall be revised to include the following details as relevant to the precincts that the plan covers:
 - a. Actions that are specific to the precinct for which they are addressing
 - b. Specific map references to identify locations of works for all actions
 - c. Total areas to be planted (m2)
 - d. Planting density (per m2)
 - e. Number of permanent signs to be erected and maintained
 - f. Total areas for weed management activities (m2)
 - g. Length of any fencing (temporary and permanent)
 - h. Total areas for heath regeneration and revegetation (m2)
 - i. Locations and areas (m2) of proposed threatened species habitat
 - j. Timing and frequency of actions
 - k. Monitoring requirements (frequency) that are specific to the action

Vegetation Management Plans

40.

- 1) The Works Schedule of all Vegetation Management Plans shall be amended to include "Assisted natural regeneration" as the preferred Proposed Measure for Works Areas 2, 13 and Additional Work Areas and wherever significant natural regeneration is occurring within the EPZ and/or ecological buffer areas. This approach should be adopted in preference to revegetation or rehabilitation programs, incorporated as a guiding principle in the Statement of Commitments and relevant plans.
- 2) The final Vegetation Management Plans shall be prepared in consultation with Council and submitted to the ~~Director-General~~ **Secretary** for approval within ~~12 months of this approval~~ 6 months of the date of determination of the application (No. 2012/2328) mad under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act*, or prior to issue of any construction certificate, whichever occurs first.

Buffer Management Plans

41.

- 1) Figures 10 and 10A to 10L shall be revised as necessary to ensure that spatial overlap of heath revegetation, Koala food tree planting and Wallum Sedge Frog compensatory habitat is minimised.
- 2) Tree plantings are to be minimised in areas that are identified as naturally regenerating.
- 3) The final Buffer Management Plans shall be prepared in consultation with Council and submitted to the ~~Director-General~~ **Secretary** for approval within ~~42 months~~ 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* of this approval or prior to issue of any construction certificate, whichever occurs first.

Weed Management Plans

42.

- ~~1) The Weed Management Plans shall be amended to ensure that the control of weeds (including Slash Pine) within environmental protection zones, including the Cudgen Nature Reserve, should be undertaken utilising bush regeneration techniques including stem injection.~~
- ~~2) The final Weed Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 42 months 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth Environmental Protection and Biodiversity Conservation Act.~~
- ~~3) of this approval or prior to issue of any construction certificate, whichever occurs first.~~

42. The Weed Management Plans shall be amended to ensure that:

- 1) Control of all weeds will occur:
 - a. in Environmental Protection Zones located on the Kings Forest site; and
 - b. for a distance of 20 metres into the adjacent Cudgen Nature Reserve.
- 2) Control of Slash Pine only will occur for a further distance of 80 metres into Cudgen Nature Reserve.
- 3) Weed management activities should be undertaken utilizing bush regeneration techniques including stem injection.

Threatened Species Management Plans

43.

- 1) Proposed "melon hole" creation shall not be permitted in Acid Frog Compensatory Areas 5, 6, 7 and 8. Details of alternative offsetting arrangements for the loss of Wallum Froglet Habitat across the site must be included in the final Threatened Species Management Plan.
- 2) Tree plantings are to be minimised in areas that are identified as naturally regenerating.
- 3) The species list in Appendix 3 of the Threatened Species Management Plan – Precincts 1 and 5, James Warren & Associates, August 2012, for restoration works within the Precinct 1 ecological buffer shall be revised to demonstrate that species used in restoration works within and adjacent to the Littoral Rainforest within Precinct 1 to include only those species known from the patch or other locally-occurring rainforest species.
- 4) Details of whether and how the proposed removal of sediment from Blacks Creek may impact upon threatened wetland bird species (black necked stork, black bittern) must be included in the Plan, including any proposed mitigation measures.
- 5) The final Threatened Species Management Plans shall be prepared in consultation with Council and submitted to the ~~Director-General~~ **Secretary** for approval within ~~42 months of this approval~~ 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* or prior to issue of any construction certificate, whichever occurs first.

Feral Animal Management Plan

44.

- 1) The implementation schedule of the Feral Animal Management Plan shall be revised to include the following details as relevant to the Precincts that the plan covers:
 - a. Estimated number of resources required for trapping activities, capture activities and habitat removal activities
 - b. Estimated resources required for monitoring actions
- 2) The Feral Animal Management Plan is to be revised to include mitigation and management actions for the control of Biting Insects, and consistent with Section A6 Biting Midge and Mosquito Controls of the Tweed DCP 2008.
- 3) The final Feral Animal Management Plan shall be prepared in consultation with Council and submitted to the ~~Director-General~~ **Secretary** for approval within ~~42 months of this approval~~ 6

months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* or prior to issue of any construction certificate, whichever occurs first.

Koala Plan of Management

45. The Koala Plan of Management shall be revised as follows:

- 1) A revised offset strategy for the loss of Koala food trees incorporating the following:
 - a. the restoration and planting of Koala food trees offsite (a 27ha area of land has been nominated by OEH and identified in Map 1. (attached)).
 - b. planting of Koala food trees in the new east-west corridor as required by Term B4 of the Concept Plan approval.
 - ~~c. planting of Koala food trees in other suitable locations across the site should commence within one month of the revised KPoM being approved within each relevant precinct of the development in general accordance with the plan titled "Proposed Koala Compensatory Habitat Area Staging Plan, Condition 45, Figure 1, JWA Pty Ltd, 29 April 2014".~~
 - c. planting of Koala food trees in other suitable locations across the site within each relevant precinct of the development in general accordance with the plan titled "Proposed Koala Compensatory Habitat Area Staging Plan, Condition 45, Figure 1, JWA Pty Ltd, 29 April 2014", and as modified by any approval of the revised Koala Plan of Management under this condition. The timing of plantings shall be in accordance with the approved revised Koala Plan of Management required by Condition 45(2).
 - c. Koala food tree plantings are to be minimised in areas that are identified as naturally regenerating
- 2) The revised KPoM approval shall include details of the Koala food tree planting schedule with numbers and staging and be prepared in consultation with Council and submitted to the ~~Director-General Secretary-~~ for approval within ~~6 months of this approval~~ 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* or prior to issue of any construction certificate, whichever occurs first.
- 3) The amended KPoM shall have regard to any determination of the NSW Scientific Committee established by the *Threatened Species conservation Act 1995*.

Koala Infrastructure

46.

- 1) Any roads through the environmental areas of the site must include:
 - a. fencing on both sides of the road of a design that will prevent the crossing by dogs and koalas;
 - b. fauna underpasses installed at intervals sufficient to allow unimpeded movement by wildlife including koalas across roads. Such fencing and underpasses within Environmental Protection Areas are to be constructed prior to the commencement of bulk earthworks in the southern and/or western development precincts.
- 2) Precinct 1 and 5 Fauna exclusion fencing must be integrated with fencing at Tweed Coast Road. Such fencing is to be constructed at the completion of bulk earthworks.
- 3) The design and precise location of fauna exclusion fencing must ensure that the buffer area available to fauna is maximised and makes provision for a functional maintenance zone each side of the fencing in order to allow sufficient room for replacement and maintenance of the infrastructure.
- 4) Precinct 1 fauna exclusion fencing should be sited at the outer edge of the 50m ecological buffer.
- 5) Signage shall be erected in strategic locations within Precincts 1, 2, 3, 4 and 5, such as in the public open space areas within Precinct 5 and at fauna underpasses, advising residents that Koalas are active in the area and dogs should be kept on a leash at all times and encourage residents to keep dogs in enclosed yards between the hours of 6pm and 6am.
- 6) Erection of permanent vandal proof signs shall be erected at regular intervals to inform people about the purpose of the Koala exclusion fencing and the importance of maintaining the fence.

Flora and Fauna Monitoring Report

47. The Flora and Fauna Monitoring Report (FFMR) should be revised to the satisfaction of OEH as follows:

- 1) The FFMR framework should be revised to ensure that monitoring of impacts in relation to threatened wetland bird species (black-necked stork, black bittern) takes suitable account of any measures proposed in relation to drainage maintenance of Blacks Creek.
- 2) Table 4 – Threatened Fauna shall include the requirement to report fauna monitoring results to Council and OEH

- 3) The discussion of methodology in relation to monitoring of Koala should be more fully developed than that provided in Table 5 and Section 5.3, to the satisfaction of OEH
- 4) The monitoring of impacts in relation to threatened wetland bird species (Table 12) should take suitable account of any measures proposed in relation to drainage maintenance of Blacks Creek, and be consistent with actions specified in the Drain Maintenance Management Plan and Threatened Species Management Plans.
- 5) The results of all monitoring of feral animals (Table 13) shall be additionally reported to OEH to assist in efforts to co-manage any feral animal problems on and adjacent to the site.
- 6) The final Flora and Fauna Monitoring Report shall be prepared in consultation with Council and submitted to the Secretary ~~Director-General~~ for approval within ~~12 months of this approval~~ 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* or prior to issue of any construction certificate, whichever occurs first.

Summary of Management Plans

48. The Summary of Management Plans (SOMP) shall be revised to ensure consistency with all relevant management plans to the satisfaction of the Secretary ~~Director-General~~ within ~~12 months of this approval~~ 6 months of the date of determination of the application (No. 2012/2328) made under sections 130(1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act* or prior to issue of any construction certificate, whichever occurs first.

Environmental Audit Reports

49.
 - 1) ~~Within 3 months of the establishment phase performance criteria specified in all relevant Environmental Management Plans being met for each part of the land to be dedicated to Council in the future, the Proponent must submit to the Director-General for approval, an environmental audit ("Initial Audit") for each part of the Council Dedicated Land to confirm that the all establishment phase performance and any relevant maintenance phase criteria have been met. The Initial Audit(s) must be prepared by a suitably qualified independent environmental consultant, reviewed by Council and approved by the Director-General.~~
 - 2) ~~Within 3 months after each of the first and third anniversaries, and then subsequently every 2 years, of the Director-General's approval of the Initial Audit(s) for each part of the Council Dedicated Land, the Proponent shall submit to Council for review, and the Director-General for approval, environmental audits prepared by a suitably qualified independent environmental consultant. Those environmental audits must review the condition of the Council Dedicated Land against the agreed maintenance phase performance criteria specified in each Environmental Management Plan until the affected lands have been transferred into public ownership. Environmental audit reports shall itemize all costs associated with the implementation, monitoring and reporting of all maintenance phase works and include audited financial statements.~~
 - 3) ~~In the event that an environmental audit carried out in accordance with this clause (48) indicates non-compliance with any of the relevant environmental management plans, approval for further stages of the development will not be granted.~~

Environmental Audit Reports

49.
 - 1) Within 3 months of the establishment period, the proponent must conduct an environmental audit ("Initial Audit") for each part of the Potential Council Land to confirm that the establishment period and any relevant maintenance period criteria have been met. The Initial Audit(s) must be prepared by a suitably qualified independent environmental consultant, reviewed by Council and approved by the Secretary.
 - 2) Within 3 months after each of the first and third anniversaries, and then subsequently every 2 years, of the Secretary's approval of the Initial Audit(s) for each part of the Potential Council Land, the Proponent shall submit to Council for review, and the Secretary for approval, environmental audits prepared by a suitably qualified independent environmental consultant. Those environmental audits must review the condition of the Potential Council Land against the agreed maintenance period performance criteria specified in each Environmental Management Plan until the affected lands have been transferred into public ownership. Environmental audit reports shall itemize all costs associated with the implementation, monitoring and reporting of all maintenance period works and include audited financial statements.

- 3) Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.
- 4) Within 3 months of submitting an audit report to the Secretary, the Proponent shall review and if necessary revise the relevant management plans and undertake additional mitigation measures as required under this approval to the satisfaction of the Secretary.

Bond for Environmental Restoration Works

50.

- a) ~~Prior to the issue of a construction certificate a cash bond or bank guarantee shall be lodged with Council to ensure that all the environmental management plans are implemented. The amount of such bond will be based on 135% of the cost of the environmental repair, enhancement and maintenance works for the establishment period specified in the approved environmental management plans or for a period of 5 years, whichever is longer. In this regard, two written quotes from suitably experienced and qualified contractors (to the satisfaction of the General Manager or delegate) must be submitted to Council which detail the cost of all works required.~~
- b) ~~The cash bond or bank guarantee will be refunded on the satisfactory completion of works providing acceptable arrangements have been made for the long term ownership and management of the relevant lands.~~
- c) ~~Monitoring of the effectiveness of the of the environmental repair, enhancement and maintenance works are to be undertaken in accordance with Condition 49 of the modified approval (08_0194). Any supplementary or approved adaptive management works deemed necessary by the independent contractor shall be promptly undertaken once the need is identified.~~

Bond for Environmental Restoration and Maintenance Works

50.

- a) Prior to commencement of bulk earth works for each precinct a cash bond or bank guarantee shall be lodged with Council to ensure that the relevant environmental management plans for the associated Potential Council Land (as outlined by the Potential Council Land Plan detailed in condition B5 of the concept plan) is implemented. The amount of such bond will be based on 135% of the cost of the environmental works (repair and/or enhancement) for the associated precinct/Potential Council Land for the establishment period specified in the approved environmental management plans. Two written quotes from suitably experienced and qualified contractors must be submitted to the Council which detail the cost of all works required.

The cash bond or bank guarantee will be refunded, following the written approval from the Secretary of the environmental audit for the associated Potential Council Land as per condition 49(1).

- b) Once the establishment period has been completed, every 2 years the Proponent shall lodge a cash bond or bank guarantee with Council to ensure that the relevant environmental management plans for the Potential Council Land are implemented for that 2 year maintenance period. The amount of such bond will be based on 135% of the cost of the environmental maintenance works for the associated precinct/Potential Council Land (as outlined by the Potential Council Land Plan detailed in condition B5 of the concept plan) for that 2 year period, or until the completion criteria specified in the environmental management plans are met as required by Condition 39, and the land is transferred to public ownership. Two written quotes from suitably experienced and qualified contractors must be submitted to the Council which detail the cost of all works required in the relevant 2 year maintenance period.
- c) The cash bond or bank guarantee will be refunded at the end of each two year maintenance period subject to the Audit Report confirming that the requirements of the approved environmental management plans have been implemented by the Proponent.
- d) Monitoring of the effectiveness of the environmental works (repair, enhancement and/or maintenance) is to be undertaken in accordance with Condition 49. Any supplementary or approved adaptive management works deemed necessary by the independent contractor shall be promptly undertaken once the need is identified.

- e) Bi-annual bonding will no longer be required following the Proponent providing evidence to the Secretary that the final audit has been conducted in accordance with Condition 49 which demonstrates that the relevant works have been completed and written evidence is provided to the Secretary that the lands have been transferred into public ownership.

URBAN DESIGN

Plan of Development for Precinct 5

- 51. Revised plans of development for Precinct 5 are to be submitted to the Secretary ~~Director-General~~ for approval demonstrating full compliance with the Kings Forest Development Code.
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PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS**Construction Environmental Management Plan**

52.

- 4) ~~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 55);~~
 - ii. ~~noise and vibration management (see condition 56);~~
 - iii. ~~construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition 57);~~
 - iv. ~~erosion and sediment control for the entire Kings Forest Estate (see condition 54);~~
 - 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 unless otherwise approved as part of this approval in Condition 9, 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.~~
- 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:
 - m) a description of all relevant activities to be undertaken on the site during construction (including an indicative timeline);
 - n) a description of relevant environmental management objectives for the site;
 - o) a detailed construction management strategy for each sequence / stage of the bulk earthworks;
 - p) details of measures to be installed to separate construction areas from publicly accessible areas;
 - q) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, licences and consultations;
 - r) a description of the roles and responsibilities for all relevant employees involved in construction
 - s) hours of work (including standard hours of work for the Environmental Officer);

- t) 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.
 - u) Measures to be implemented during bulk earthworks operations to ensure the existing 600mm trunk water main is protected
 - v) 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)
 - w) A subset of the following management plans:
 - i. traffic and pedestrian management (see condition 55);
 - ii. noise and vibration management (see condition 56);
 - iii. construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition 57);
 - iv. erosion and sediment control for the entire Kings Forest Estate (see condition 54);
 - v. dust management to include:
 - identification of all dust emission/sources for each stage of the project;
 - identification of appropriate air quality goals/management criteria; and
 - details of all dust management and/or dust mitigation measures required to achieve the air quality goals/criteria for the construction works.
 - x) 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 unless otherwise approved as part of this approval in Condition 9, at any time to reduce exposed areas.
- 3) The CEMP shall be prepared in consultation with the Council and submitted for the approval by the Secretary no later than one month prior to the commencement of construction works. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Secretary, 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 Secretary and Council for information. Construction shall not commence until written approval has been received from the certifying authority.

Construction Management Measures

53. All measures contained in the Construction Environmental Management Plan under Condition 52 and the Sediment and Erosion Control Plan under Condition 54 are to be implemented prior to the commencement of construction and be maintained throughout construction. A copy of the approved Plans shall be maintained on site and made available upon request.

Sediment and Erosion Control Plan

54.

- 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 SEPP14 wetlands, particularly during construction of the two access roads to the southern residential precincts.
 - 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,

Construction Traffic and Pedestrian Management Plan

55.

- 1) A Construction Traffic and Pedestrian Management Plan in accordance with AS1742 Set-2010 and RMS's publication *Traffic Control at Works Sites* Version 4 shall be prepared by an RTA accredited person(s), and shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to, the following matters:
 - a) ingress and egress of vehicles to the site and details of how construction of project infrastructure will be managed in proximity to local and regional roads;
 - b) loading and unloading, including construction zones;
 - c) predicted traffic volumes and measures to ensure traffic volume, acoustic and amenity impacts along construction vehicle routes are minimised;
 - d) types and routes including traffic routes for heavy vehicles, and any necessary route or timing restrictions for oversized loads;
 - e) pedestrian and traffic management methods (including site security);
 - f) Washing facilities for trucks on the site (including a vehicle shakedown area);
 - g) Hours of access to the site; and
 - h) evidence that all statutory responsibilities with regard to road traffic impacts have been complied with.

Noise and Vibration Management Plan

56.

- 1) 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.

Construction Waste Management Plan

57.

- 1) A Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to the following matters:
 - a) Recycling of demolition materials including concrete;
 - b) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
 - c) Identification of sources of waste
 - d) Description of measures to control and manage any waste
 - e) Identification of any monitoring locations and procedures for monitoring
 - f) Licensing requirements
 - g) Measures to maximise onsite recycling
 - h) Locations of waste storage
- 2) The Proponent shall submit a copy of the Plan to council, prior to commencement of work.

Construction Waste Management

58.

- 1) The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

- 3) Storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin; provided to council specifications (as in force at the date of this approval).
- 4) Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 5) The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.

Pavement Design

59.

- 1) Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating.
 - a. That the pavement has been designed in accordance with council's Development Design Specification, D2 (as in force at the date of this approval).
 - 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 (as in force at the date of this approval).
 - 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 3798-2007.
- 2) 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 council's Development Design and Construction Specifications (as in force at the date of this approval).
 - 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.
- 3) Provision of temporary turning areas and associated signage for refuse vehicles is to be provided at the end of roads which will be extended in subsequent stages. 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.

Excavation Works

60. The PCA and council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Geotechnical Compliance

61. Each stage shall be preceded by an endorsement of detailed earthworks design plans by a practicing geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the Geotechnical Report prepared by Cardno Bowler titled Geotechnical Investigation proposed residential subdivision Depot Road, Kings Forest dated 7 April 2011 (Appendix Y of the EA).

Retaining Walls

62. Prior to commencement of construction the PCA is to be provided with a certificate of adequacy of design, signed by a practicing Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by geotechnical assessment of the founding material.

SEPP14 Wetlands

63. Prior to the commencement of works for any stage of the project, ~~the SEPP14 wetland~~ the environmental protection zones and buffers and Cudgen Nature Reserve boundaries must be clearly delineated on-site to prevent unauthorised access to these areas. Staging Plans shall be submitted to the satisfaction of the Secretary ~~Director-General~~, prior to the issue of a Construction Certificate for bulk earthworks within each relevant Precinct, showing the area of works to be undertaken and with the boundaries of adjoining environmental protection zones and buffers being clearly delineated within each Precinct. Temporary signage should be erected to ensure that construction workers are aware of the need to avoid and protect these sensitive areas. Design of the temporary fence should allow movement of native fauna present in the area. Temporary fencing and signage should incorporate all Environment Protection Zones including any of the ecological buffers proposed for dedication as part of Cudgen Nature Reserve.

Exclusion Fencing and Underpasses

64. Fauna exclusion fencing and underpasses (including any temporary fencing and underpasses) for roads traversing Environmental Protection Areas are to be constructed prior to the commencement of bulk earthworks in any of the southern and/or western development precincts.

Existing Services

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

Drawing Reticulated Water

66. Where water is to be drawn from Councils reticulated system, the Proponent shall:

- 1) Make application for the hire of a council metered standpipe including council's nomination of point of extraction.
- 2) Where a current standpipe approval has been issued, application must be made for council's nomination of a point of extraction specific to the development.
- 3) Payment of relevant fees in accordance with council's adopted fees and charges.

Public Risk Liability

67.

- 1) 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.
- 2) Where the construction work is on or adjacent to public roads, parks or drainage reserves the Proponent 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.

Site Safety

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

Aboriginal Cultural Heritage Program

69. Records are to be kept of which staff/contractors were inducted under the Aboriginal Cultural Heritage Program and when for the duration of the project.

Community Liaison

70.

- 1) Details of the contact person and telephone number shall be clearly displayed at the site entry.
- 2) A sign is to be erected at the entry of the site to clearly advise the community liaison officer's details and contact number.
- 3) These details are to be documented in the Construction Environmental Management Plan.

Environmental and Community Liaison Officer(s)

71.

- 1) An appropriately qualified Environmental Officer(s), that is to receive the prior approval of the department, must be engaged by the Proponent for the duration of works. Their role shall be to oversee environmental compliance of the project until completion conditions have been satisfied.
- 2) A community liaison officer shall be available during construction works.
- 3) The Environmental Officer(s) may also act as the community liaison officer required by 2) above, to consult with potentially affected property owners and the department before and during construction works and shall respond to complaints of an environmental impact nature.
- 4) The Environmental Officer(s) must submit a report to the Secretary ~~Director-General~~ in accordance with reporting timetables in the management plans and within 3 weeks of the completion of each earthworks stage detailing the project's compliance with relevant conditions, management plans and progress on-site.
- 5) A sign is to be erected at the entry of the site to clearly advise the environmental/community liaison officer's details and contact number. These details are to be documented in the CEMP required by Condition 52.

Implementation of Environmental Management Plans

72.

- 1) Evidence of commencement of implementation of all Environmental Management Plans shall be provided to the Secretary ~~Director-General~~ prior to commencement of bulk earthworks.

DURING CONSTRUCTION

Approved Plans to be On-site

73. 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.

Hours of Work

74.

- 1) The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 5:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
- 2) Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - c) variation is approved in advance in writing by the Secretary ~~Director-General~~ or his nominee.
 - d) Residents likely to be affected by the works are notified in writing of the timing and duration of these works at least 48 hours prior to the commencement of works (with the exception of emergency work).
- 3) The Proponent is responsible to instruct and control subcontractors regarding hours or work.

Complaints Procedure

75.

- 1) At the commencement of construction the Proponent shall ensure that the following are available for community complaints during construction:
 - a) A 24 hour telephone number on which complaints about construction activities at the site may be registered.
 - b) A postal address to which written complaints may be sent.
 - c) An email address to which electronic complaints may be transmitted.
 - d) Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours.
 - e) Name, address and telephone number of the Project Manager and PCA
 - f) The telephone number, the postal address, email address, the name of the site/project manager and the approved hours of work, shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.
- 2) The Proponent shall record details of all complaints received through the means listed under this condition of this approval in an up-to-date Complaints Register.
- 3) The Proponent shall provide an initial response to any complaints made in relation to the project during construction within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in the Complaints Register.

Incident Reporting

76. Within 24 hours of detecting any incidents during construction that causes (or may cause) significant harm to the environment, the Proponent shall notify the Council and other relevant agencies of the incident and identify the following:

- 1) Describe the date, time, and nature of the incident.
- 2) Identify the cause (or likely cause) of the incident.
- 3) Describe what action has been taken to date.
- 4) Describe any proposed measures to address the incident.

Access to SEPP14 Wetland Areas and Cudgen Nature Reserve

77.

- 1) No vehicles, machinery or other equipment should be stored, driven or parked at any time within the SEPP14 wetlands or the Cudgen Nature Reserve.

- 2) No access is allowed to the SEPP14 wetlands or the Cudgen Nature Reserve during the construction period for any stage of the project other than for those works approved by this project application.

Erosion and Sediment Control

78.

- 1) All erosion and sediment control measures are to be effectively implemented and maintained in accordance with the Sediment and Erosion Control Plan as required by condition 54.
- 2) All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 3) After each storm event a suitably qualified person shall assess the adequacy of the erosion control measures and make good any damaged erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

Construction Noise Management

79.

- 1) Construction noise objectives shall be consistent with the requirements of the DECC *Interim Construction Noise Guideline (July 2009)*
- 2) Background noise levels are those identified in Environmental Assessment or otherwise identified. 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 Construction Environmental Management Plan as required by condition 52.
- 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.
- 5) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours:
 - a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday
 - d) No blasting on Sundays or public holidays
- 6) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in the Construction Environmental Management Plan.
- 7) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

80.

- 1) Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
 - a) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in the *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZEC 1990)*
- 2) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- 3) These limits apply unless otherwise outlined in the approved CEMP.

Use of Crushing Plant Machinery

81. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is not approved. Separate approval must be obtained for any such use on the site.

Dust Mitigation

82. ~~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:~~

- a) ~~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.~~
- b) ~~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.~~
- c) ~~All materials shall be stored or stockpiled at the best locations.~~
- d) ~~The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs.~~
- e) ~~All vehicles carrying soil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.~~
- f) ~~All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays.~~
- g) ~~Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and~~
- h) ~~Cleaning of footpaths and roadways shall be carried out regularly.~~
- i) ~~All topsoil stockpiles are to be sprayed with dust suppression material such as "hydro mulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.~~
- j) ~~All construction activities that generate dust shall cease when average wind speeds exceed 15m/s(54 km/h). The applicant shall be responsible for providing a calibrated wind meter on site to monitor wind speeds. The wind meter must be located so that it is easily accessed by relevant supervisors and Council Officers. This data must be able to be produced to Council on request.~~

Construction Waste Management

83. Management of construction waste must be undertaken in accordance with the approved Construction Waste Management Plan required by Condition 57.

Damage

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

Stormwater and Drainage

85.

- 1) Inter allotment drainage shall be provided to all lots where roof water for future 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 (as in force at the date of this approval).

Disposal of Seepage and Stormwater

86. Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless it meets the controlled discharge water quality criteria specified in Condition 21.

Sewer pump station

87.

- 1) An accurate plan of the sewage pumping station site shall be submitted to council 60 days prior to lodgement of an application for a Subdivision Certificate to allow the land to be classified.

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.

Compulsory Inspections

88.

- 1) Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with council's Development Control Plan, Part A5 - Subdivision Manual, Appendix D (as in force at the date of this approval). Inspection fees are based on the rates contained in council's current Fees and Charges:

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 inspection - on maintenance
- i) Off maintenance

Sewer Pump Station

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

- 2) Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Proponent's Supervising Consulting Engineer. The EP&A Act makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier". The fee for the above mentioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.
- 3) The PCA shall be given a minimum 24 hours notice or as agreed with the PCA, to carry out the following inspections:

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, bikeways - formwork/reinforcement
- h) Final inspections - on maintenance
- i) Off Maintenance inspection

Street Names

89.

- 1) The Proponent shall obtain the written approval of council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- 2) The application shall demonstrate compliance with council's Road Naming Policy.

Aboriginal Cultural Heritage

90. Aboriginal Cultural Heritage matters during construction are to be addressed in the following manner:

- 1) The Proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values and implementation of the approved Cultural Heritage Management Plan. Evidence of this consultation must be collated and provided to the approval authority upon request.
- 2) The Proponent is to provide fair and reasonable opportunities for the registered Aboriginal stakeholders to monitor any initial ground disturbance works associated with the areas identified as the 'Monitoring Areas' in the Kings Forest Aboriginal Monitoring Plan (undated). In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks and Wildlife Act 1974*.
- 3) In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the in the immediate area to prevent any further impacts to the object(s). 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 OEH to develop and implement management strategies for all objects/sites.

- 4) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the Proponent. If the skeletal remains are identified as Aboriginal, the Proponent must contact OEH's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OEH provide written notification to the Proponent.
- 5) All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and OEH. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and be submitted to OEH's AHIMS Registrar within 3 months of completion of these works.

Earthworks & Fill

91.

- 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 of material is suitable for the intended purpose 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) During construction, the Proponent shall employ a suitably qualified geotechnical practitioner to identify and stockpile suitable fill materials on site. Any fill on the sites to be placed in accordance with AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments*. Unless sourced from within the site, only 'Virgin Excavated Natural Material' (VENM) shall be imported to the site. No fill or retaining walls shall be located within any drainage easement located within the site.
- 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;
 - b. Fill adjacent to these boundaries is to be placed mechanically;
 - c. All fill and cut batters shall be contained wholly within the subject land; and
 - d. All topsoil to be re-spread and the site to be grassed and landscaped during battered areas.
- 4) No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of council.
- 5) In the event that poor soils are encountered during bulk earthworks activities, bulk earthworks may be undertaken in any sequence or phase (other than that as generally described in Condition A6 of this approval) only for the purpose of the following:
 - a. Temporary placing of material to enable the material to be mixed, dried or the like
 - b. Temporary stockpiling of material to enable the area from which the material is obtained to be mixed, dried or the like, providing that:
- 6) The areas used for temporary placing and stockpiling referred to in 5) above must not exceed 5ha at any one time. The areas are to be vegetated immediately after the material is removed.
- 7) The need for such activity as described in 5) above, shall be confirmed by a suitably qualified geotechnical practitioner and must not proceed without the prior written approval of the Secretary ~~Director General~~.

Surrounding Road Carriageways

92. 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.

Depot Road

93. Uninterrupted all weather vehicular access to the Depot Road sports fields site shall be maintained for the duration of works.

Burning of vegetation

94. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited.

Acid Sulfate Soils

95. All works that involve disturbance of soils shall be carried out in accordance with the approved Acid Sulfate Management Plan, as required by Condition 17.

Fauna Spotter-Catcher

96. A registered Fauna spotter-catcher is to be present during all vegetation clearing works to ensure safe dispersal of fauna as required by the Environmental Management Plans.

Protection of the Environment

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

Monitoring

98. All monitoring shall be undertaken in accordance with the site Environmental Management Plans, including, but not limited to, the following:

- 1) Flora and fauna
- 2) Groundwater quality and levels
- 3) Groundwater seepage
- 4) Surface water quality
- 5) Sediment and erosion control
- 6) Acid sulfate soils
- 7) Dust monitoring (as required)

PART THREE – CONSTRUCTION OF RURAL SUPPLIES BUILDING (PRECINCT 1)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Amendments to Design of Rural Supplies Building

99.

- 1) ~~The design of the rural supplies building and landscaping in the north of Precinct 1 shall be modified to provide a 10m wide vegetated buffer generally in accordance with Appendix 2 of the Planning Guidelines: Separating Agricultural and Residential Land Uses (Qld Government August 1997) and Section A5 of Tweed Shire Council's DCP 2008, or any other such arrangement to the satisfaction of the Department of Primary Industries, to minimise any future potential land use conflict with agricultural land to the north of the site. Screening by physical means other than vegetation is not acceptable.~~
- 2) ~~The amended design shall be submitted to the Secretary Director-General for approval within 6 months 24 months of the date of this approval.~~

Use of Rural Supplies Building in Precinct 1

100. ~~Final details regarding the proposed first use, hours of operation, car parking and service vehicle arrangements, access, signage and external storage for the building in Precinct 1 shall be submitted to the Secretary Director-General for approval prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.~~

Bushfire Management – Design and Construction

101. The design of the rural supplies building shall comply with the following:

- e. ~~Construction of the building shall comply with Section 3 and Section 7 (BAL 29) of Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas and section A3.7 of Addendum: Appendix 3 Planning for Bush Fire Protection.~~
- d. ~~Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.~~
- e. ~~Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.~~

Details of Materials, Colours and Finishes

102. ~~Final design details of the proposed external materials and finishes of the building in Precinct 1, including schedules and a sample board of materials and colours (including an A3 photographic reproduction), shall be submitted to and approved by the department prior to the issue of a construction certificate for the construction of any building in Precinct 1.~~

Reflectivity

103. ~~The visible light reflectivity from building materials used on the facades of the buildings in Precinct 1 shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.~~

Outdoor Lighting

104. ~~All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.~~

Access for People with Disabilities

105. ~~The building in Precinct 1 must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings for any building in Precinct 1.~~

Parking Spaces

106. ~~The number of car spaces, bicycle spaces and loading bays to be provided for the rural supplies development in Precinct 1 shall comply with the requirements of Section A2 – Site Access and Parking Code of the Tweed Shire Council Development Control Plan 2008 (as in force at the date of this approval).~~

Carpark and Service Vehicle Layout

- 107.
- ~~1) All vehicles should enter and leave the rural supplies site in a forward direction.~~
 - ~~2) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.~~
 - ~~3) Appropriate pedestrian advisory signs are to be provided at the egress from the car park.~~
 - ~~4) All works/regulatory signposting associated with the rural supplies development shall be at no cost to the relevant roads authority.~~
 - ~~5) The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.~~
 - ~~6) Details demonstrating compliance with the requirements specified above shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate for the construction of any building in Precinct 1.~~

Mechanical Ventilation

108. ~~All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environmental protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate for the construction of any building in Precinct 1.~~

Storage and Handling of Waste

- 109.
- ~~1) An appropriate area shall be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises, outside of the ecological buffer zone and asset protection zone. The location and design of such an area shall be in accordance with the requirements of *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).~~

Sewer and Water Reticulation

110. The Proponent must prepare a detailed network analysis and plans for water and sewer reticulation infrastructure prior to the issue of a construction certificate for the construction of any building in Precinct 1. The analysis must be prepared to the satisfaction of council.

Certification

- 111.
- 1) Proposed earthworks shall be carried out in accordance with AS 3798, Guidelines on Earthworks for Commercial and Residential Developments.
 - 2) All earthworks shall have a finished grade of at least 1% so that the site drains to approved permanent drainage systems.
 - 3) The earthworks shall be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with AS3798 and that the development is suitable for its intended use shall be submitted to the PCA upon completion.

Stormwater Quality

112. 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*.

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*. The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

Erosion and Sediment Control

- 113.
- 1) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7—Stormwater Quality*.
 - 2) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7—Stormwater Quality* and its Annexure A “Code of Practice for Soil and Water Management on Construction Works”.

Advisory Note:

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

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

Shall not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

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

DURING CONSTRUCTION OF PRECINCT 1

Erosion and Sediment Control

- 114.
- 1) 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 (if subdivision include 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.

- 2) In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.
- 3) This sign is to remain in position for the duration of the project.

Bushfire Management

115. At the commencement of building works and in perpetuity, the property to the east, south-east and south of the building in Precinct 1 for a distance of not less than 21 metres, and to the property boundary north and west of the proposed building, shall be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Management

116. In addition to condition 115 above, conditions 73 to 92 and 94 to 98 of this project approval (08_0194) must be complied with during the construction of the rural supplies building in Precinct 1.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE FOR RURAL SUPPLIES BUILDING

Road Damage

117. The cost of repairing any damage caused to council or other Public Authority's assets in the vicinity of Precinct 1 as a result of construction works associated with the rural supplies development is to be met in full by the Proponent prior to the issue of any Occupation Certificate for the building in Precinct 1.

Registration of Easements

118.
 - 1) Prior to the issue of any Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements and Restrictions as to User under Section 88B of the *Conveyancing Act 1919* required by this approval, have been lodged for registration or registered at the NSW Land and Property Information.
 - 2) A restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
 - 3) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - 4) Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - 5) 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.

Structural Inspection Certificate

119. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the rural supplies building. A copy of the certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the department after:
 - 1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and,
 - 2) The drawings listed on the inspection certificate have been checked with those listed on the final design certificate/s.

Compliance with Bushfire Requirements

120. Prior to the release of any Occupation Certificate for the project, a report is to be prepared by a BPAD Certified bushfire consultant that certifies the following:
 - 1) Compliance with the RFS requirements in Condition 101
 - 2) Public road access complies with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*
 - 3) Fire trails comply with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*

- ~~4) Asset Protection Zones comply with Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*~~
- ~~5) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*~~
- ~~6) Internal roads shall comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*~~
- ~~7) Arrangements for bushfire emergency and evacuation have been detailed within a Bushfire Emergency / Evacuation Plan and comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.~~

Koala Plan of Management

- ~~121. All exclusion fencing required by the Koala Plan of Management dated October 2012 as relevant to Precinct 1, must be constructed and functional prior to the release of an occupation certificate for any building in Precinct 1. Evidence is to be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management.~~

Landscaping

- ~~122. Upon completion of landscape works, and prior to the commencement of use, evidence is to be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan. The Proponent shall also ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state prior to any handover to council.~~

External Lighting

- ~~123.~~
 - ~~1) The Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance with condition 123.~~
 - ~~2) All externally mounted artificial lighting, including security lighting, is to be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.~~

Integrated Water Cycle Management

- ~~124. The Proponent shall provide a Works as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan submitted in accordance with condition 19 have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer.~~

Utilities—Water, Sewer, Telephone and Electricity Services

- ~~125.~~
 - ~~1) The rural supplies building is to be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of an Occupation Certificate. Such connections, and any extension of services required to the rural supplies development, are to be carried out at full cost to the Proponent.~~

DURING OPERATIONS

Loading and Unloading

- ~~126. All loading and unloading of service vehicles in connection with the use of the rural supplies building shall be carried out wholly within the Precinct 1 site at all times.~~

Unobstructed Driveways and Parking Areas

- ~~127. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the rural supplies building.~~

Operations

- ~~128. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.~~

Noise

- ~~129.~~

- ~~1) The LAeq, 15 min noise level emitted from the premises shall not exceed the project specific noise level, calculated in accordance with the NSW Industrial Noise Policy (EPA, January 2000).~~
- ~~2) All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive.~~

Bushfire Emergency / Evacuation Plan

- ~~130. Arrangements for bushfire emergency and evacuation are to be maintained in accordance with the Bushfire Emergency / Evacuation Plan, as required by Condition 120, and 'Planning for Bush Fire Protection 2006'. All continuing actions which may be required (e.g. training of staff, signage requirements) shall be implemented.~~

Impacts on SEPP14 Wetland

- ~~131. Operation of the building shall not damage or interfere in any way with the SEPP14 wetlands.~~

PART THREE – CONSTRUCTION OF SERVICE STATION/FOOD AND DRINK PREMISES (PRECINCT 1)

99. The service station/food and drink premises must be constructed and operated in accordance with the conditions contained in Part One, Part Two, Part Three and Part Four of this consent with the exception of Condition 74 (1).

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE (PRECINCT 1)

Bushfire Management - Design and Construction

100.
 - 1) The design of the service station/food and drink premises must comply with the following:
 - a) construction of the service station / food and drink premises must be in accordance with Section 3 and Section 7 (BAL 29) of Australian Standard AS3959–2009 Construction of buildings in bushfire-prone areas and section A3.7 of *Addendum: Appendix 3 Planning for Bush Fire Protection 2006*, with the exception of the western elevation (south of the service station shop) which must be constructed in accordance with Section 3 and Section 6 (BAL 19) of Australian Standard AS3959–2009 Construction of buildings in bushfire-prone areas and section A3.7 of *Addendum: Appendix 3 Planning for Bush Fire Protection 2006*.
 - b) landscaping of the site must comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*;
 - c) water, electricity and gas must comply with the requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*;
 - d) roofing must be gutterless or guttering and valleys must be screened to prevent the buildup of flammable material. Any materials used must be non-combustible; and
 - e) above-ground infrastructure associated with the service station (including the above-ground ventilation infrastructure, tank filling points and fill points), must be located a minimum of 7 metres from the vegetation buffer and be designed to withstand the calculated radiant heat exposure.

Details of Materials, Colours and Finishes

101. Final design details of the proposed external materials and finishes of the building in Precinct 1, including schedules and a sample board of materials and colours (including an A3 photographic reproduction), must be submitted to and approved by the Secretary prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Reflectivity

102. The visible light reflectivity from building materials used on the facades of the buildings in Precinct 1 must not exceed 20% and must be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Outdoor Lighting

103. All outdoor lighting must comply with AS/NZ1158.3: 1999 Pedestrian Area Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Access for People with Disabilities

104. The building in Precinct 1 must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. The Certifying Authority must ensure evidence of compliance with this condition from an appropriately qualified person is provided and the requirements are referenced on the Construction Certificate drawings for any building in Precinct 1.

Parking Spaces

105. The number of car spaces, bicycle spaces and loading bays to be provided for the service station/food and drink premises development in Precinct 1 must comply with the requirements of Section A2 – Site Access and Parking Code of the *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).

Carpark and Service Vehicle Layout

- 106.
- 1) All vehicles must enter and leave the service station/food and drink premises in a forward direction.
 - 2) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
 - 3) Appropriate pedestrian advisory signs must be provided at the egress from the car park.
 - 4) All works/regulatory signposting associated with the service station/food and drink premises must be at no cost to the relevant roads authority.
 - 5) The swept path of the longest vehicle (including garbage trucks and fuel delivery trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS.
 - 6) A revised pedestrian movement and access plan which details the interaction between vehicles and pedestrians must be prepared in accordance with the relevant Australian Standards.
 - 7) Details demonstrating compliance with the requirements specified above and the revised pedestrian movement and access plan must be submitted to the satisfaction of the Secretary prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Mechanical Ventilation

107. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environmental protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Storage and Handling of Waste

108. An appropriate area must be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises, outside of the ecological buffer zone and asset protection zone. The location and design of such an area must be in accordance with the requirements of *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).

Sewer and Water Reticulation

109. The Proponent must prepare a detailed network analysis and plans for each stage of water and sewer reticulation infrastructure including the regional sewerage pumping station prior to the issue of a Construction Certificate for the construction of any building in Precinct 1. The analysis must be prepared to the satisfaction of Council.

Certification

- 110.
- 1) Proposed earthworks must be carried out in accordance with AS 3798, *Guidelines on Earthworks for Commercial and Residential Developments*.
 - 2) All earthworks must have a finished grade of at least 1% so the site drains to approved permanent drainage systems.

- 3) The earthworks must be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying the earthworks comply with AS 3798 and that the development is suitable for its intended use must be submitted to the PCA upon completion.

Stormwater Quality

111.

- 1) Prior to the issue of a Construction Certificate, a detailed Stormwater Management System must be prepared in consultation with Council and approved by the Secretary. The stormwater management system must be designed in accordance with the Tweed Urban Stormwater Quality Management Plan (as in force at the date of this approval) and Council's Development Design Specification D7 - Stormwater Quality (as in force at the date of this approval).by an appropriately qualified engineer, incorporating the following:
 - a) water sensitive design principles and where practical, integrated water cycle management;
 - b) the requirements of the EPA guidelines: 'Environmental Action for Service Stations' (October 2008) to ensure contaminated water does not leave the forecourt area and enters the stormwater system;
 - c) fuel delivery points must be located within the covered forecourt containment area or other appropriate area with separate bunding in accordance with the EPA guideline: 'Environmental Action for Service Stations' (October 2008);
 - d) a proprietary wastewater treatment plant must be installed and used to recycle water used in the car and dog wash facilities. Any wastewater (which is not contaminated with hydrocarbons) from the process must be discharged to sewer under a trade waste agreement;
 - e) the peak stormwater flow rate that may be discharged from the site to the public realm, in events of intensity up to the ARI 100 year design storm, must be no greater than pre-development;
 - f) private stormwater infrastructure must not be located within the ecological buffer or land to be dedicated to Council (including the regional sewer pump station and access to the regional sewer pump station, if that land is to be dedicated to Council). The proposed stormwater treatment device must be located wholly within the development site, and must be maintained in perpetuity by the landholder in accordance with manufactures specifications and is required to meet Council's stormwater quality objectives; and
 - g) the bio-retention basins and/or swales must be maintained and operated in accordance with the approved Stormwater Management System and any conditions imposed by the Secretary as part of the approval of that document.
- 2) The Proponent must construct the service station/food and drink premises in accordance with the Stormwater Management System (as approved by the Secretary from time to time on application from the proponent), unless otherwise agreed by the Secretary.

Erosion and Sediment Control

112.

- 1) Prior to the issue of a Construction Certificate a detailed erosion and sediment control plan must be prepared in accordance with Section D7.07 of Development Design Specification D7 - Stormwater Quality (as in force at the date of this approval)..
- 2) Construction phase erosion and sediment control must be designed, constructed and operated in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works" (as in force at the date of this approval)..

Geotechnical Compliance

113.

- 1) Prior to the issue of a Construction Certificate, a Detailed Geotechnical Investigation must be undertaken by an appropriately qualified practising professional Geotechnical Engineer, unless considered unjustified by the Geotechnical Engineer and supported in writing and endorsed by Council or the PCA.
- 2) The investigation must identify any areas of compressible clay materials, loose sands, landslip, subsidence or reactive soil profiles which may impact on construction or building activities. If unsuitable materials are identified the investigation must provide recommendations such as preloading or other forms of treatment necessary to achieve surface movement (ys) rates. Consistent preloading must be monitored by settlement plates or detailed survey to determine consolidation/settlement characteristics.

Fire Safety

- 113A. The Applicant must include a list of fire safety measures proposed to be installed in the premises. The list must describe the extent, capability and basis of design of each of the measures. Full details must be included in documentation for a Construction Certificate application.

Waste

- 113B. The Proponent must provide adequate facilities for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and make arrangements for regular removal and disposal. Full details must be included in documentation for a Construction Certificate application.

Dewatering

- 113C.
- 1) A final Dewatering Management Plan must be prepared in consultation with DPI Water and approved by the Secretary prior to the issue of any Construction Certificate. The plan must take into account the findings of the approved Soil and Erosion Control Plan and Acid Sulfate Soil Management Plan and include the following:
 - a) water quality criteria for waters to be discharged to the stormwater system, to be derived from ANZECC / ARMCANZ (2000) Fresh and Marine Water Quality Guidelines 95 % species protection trigger levels for freshwaters, or similar. Parameters to include, but not be limited to, pH, electrical conductivity, salinity, dissolved oxygen, total suspended solids, turbidity, total titratable acidity, oxidised nitrogen (NOx), total nitrogen (TN), total phosphorus, and soluble aluminum;
 - b) details of proposed water treatment prior to discharge to ensure compliance with the above water quality criteria, including those that are manual and automated;
 - c) details of water sampling methodologies and frequencies for each parameter;
 - d) details of disposal methods if water does not comply with above criteria;
 - e) details of a 24-hour contact person and telephone number for complaints; and
 - f) detailed mitigation measures in order to reduce the dewatering cone of depression, to limit impacts.
 - 2) Any permits required to undertake dewatering must be obtained prior to commencing any dewatering. The Proponent must conduct a thorough site assessment to determine trench safety for the approved works.
 - 3) The Secretary must be advised within 24 hours in the event of detection of any failure associated with the dewatering activity being carried out on the site and advise of their proposed contingency measures to rectify any issues.
 - 4) The Proponent must carry out the development in accordance with the Dewatering Management Plan (as approved by the Secretary from time to time on application by the proponent), unless otherwise agreed by the Secretary.

Acid Sulfate Soils

- 113D.
- 1) Prior to bulk earthworks, soil testing must be conducted to verify the presence of acid sulfate soils in accordance with the *Laboratory Methods 2004* and an Acid Sulfate Soil Management Plan must be prepared in accordance with the *NSW Acid Sulfate Soils Manual 1998 and Condition 17*.
 - 2) If acid sulfate soils are identified in the area of excavation works, the Proponent is required to treat the soil in accordance with the *NSW Acid Sulfate Soil Manual 1998* and the *Laboratory Methods 2004*.

Underground Petroleum Storage Systems

- 113E. Prior to the issue of the Construction Certificate, certification must be provided by a suitably qualified person that the design of any underground petroleum storage system (UPSS) is in accordance with the NSW Protection of the *Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* (UPSS Regulation), AS 4897-2008 and demonstrates adoption of industry best practice. Certification must include the provision for minimum mandatory pollution protection equipment, consistent with the UPSS Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.

Advisory Note:

- A Construction Certificate application for works that involve any of the following:
- connection of a private stormwater drain to a public stormwater drain; or

- installation of stormwater quality control devices.

Must not be approved until prior separate approval to do so has been granted by Council under Section 68 of the *Local Government Act*.

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

Where Council is requested to issue a Construction Certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the *Local Government Act* will then NOT be required.

DURING CONSTRUCTION OF PRECINCT 1

Vegetation Buffer

114.

- 1) A 10 m wide vegetation buffer from the northern boundary of Precinct 1 must be provided inside the site. Screening by physical means other than vegetation is not permitted.
- 2) Plantings along the vegetation buffer must be selected in consultation with the adjacent landowner to the north (195 Tweed Coast Road, Kingscliff) and must comprise native rainforest species to ensure land use conflicts and bushfire impacts are minimised.
- 3) The vegetation buffer is required to be maintained for the life of the development.

Erosion and Sediment Control

115.

- 1) Prior to commencement of work on the site all erosion and sedimentation control measures must be installed and operational including the provision of a "shake down" area, where required (if subdivision include to the satisfaction of the Principal Certifying Authority). These measures must be in accordance with the approved erosion and sediment control plan and adequately maintained throughout the duration of the construction.
- 2) In addition to these measures any core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act* must clearly be displayed in 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.
- 3) This sign is to remain in position for the duration of the development.
- 4) Regular inspections must 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.
- 5) 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.

Bushfire Management

116. Prior to the commencement of works and in perpetuity the entire area north-west of the Koala exclusion fence shown on the diagram titled 'Proposed Site Plan' prepared by Push (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016) excluding the 10 metres wide vegetated buffer along the northern boundary, must be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Management

116A.

- 1) In addition to condition 116 above, conditions 73 to 92 and conditions 94 to 98 of this project approval (08_0194) must be complied with during the construction of the service station/food and drink premises in Precinct 1.
- 2) 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 Work Health and Safety Regulation 2011.

Noise and Vibration

116B.

- 1) All pumps used on-site for dewatering operations must be installed on the site in a location that will minimise any noise disturbance to neighboring or adjacent premises and be acoustically shielded to the satisfaction of the Secretary to prevent the emission of offensive noise as a result of their operation.
- 2) The use of vibratory compaction equipment (other than hand held devices) within 100 metres of any dwelling house, building or structure is strictly prohibited.

Waste

116C. A garbage storage area must be provided in accordance with Council's 'Development Control Plan Section A15 – Waste Minimisation and Management' (as in force at the date of this approval). The storage area must be appropriately landscaped to screen it from public view.

Plumbing

116D.

- 1) A notice of plumbing and drainage work must be provided to the Council prior to commencement of any plumbing and drainage work, if it is a condition of any approval given under section 68 of the *Local Government Act 1993*.
- 2) The whole of the plumbing and drainage work must be completed in accordance with the requirements of the Plumbing Code of Australia and AS/NZS 3500.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE FOR SERVICE STATION AND FOOD AND DRINK PREMISES

Damage and Costs

117.

- 1) The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of Precinct 1 as a result of construction works associated with the service station/food and drink premises must be met in full by the Proponent prior to the issue of any Occupation Certificate for the building in Precinct 1.
- 2) All works/regulatory signposting associated with the service station/food and drink premises must be at no cost to the relevant roads authority.

Registration of Easements

118.

- 1) Prior to the issue of any Occupation Certificate, the Proponent must provide to the Certifying Authority evidence that all matters required to be registered on title including easements and Restrictions as to User under Section 88B of the *Conveyancing Act 1919* required by this approval in relation to the service station/food and drink premises in Precinct 1, have been lodged for registration or registered at the NSW Land and Property Information.
- 2) A restriction to the land use must be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones* (as in existence at the date of this approval).
- 3) Easements for sewer, water supply and drainage over public services/infrastructure on private property.
- 4) Drainage Easements must be placed over all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains must be included in the 88B instrument.
- 5) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council must contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

Structural Inspection Certificate

119.

- 1) A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the service station/food and drink premises. A copy of the certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Secretary after:
 - a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - b) the drawings listed on the inspection certificate have been checked with those listed on the final design certificate/s.

Compliance with Bushfire Requirements

120.

- 1) Prior to the issue of any Occupation Certificate for the project, a report is must be prepared by a BPAD Certified bushfire consultant that certifies the following:
 - a) compliance with the RFS requirements in Condition 100;
 - b) public road access complies with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*;
 - c) fire trails comply with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*;
 - d) asset Protection Zones comply with Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*;
 - e) water, electricity and gas must comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*;
 - f) internal roads must comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*; and
 - g) arrangements for bushfire emergency and evacuation have been detailed within a Bushfire Emergency / Evacuation Plan and comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

Koala Plan of Management

121.

- 1) All Koala exclusion fencing must:

- a. be installed along the eastern and northern boundary of the service station/food and drink premises as identified in 'Proposed Site Plan' prepared by Push (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016); and
 - b. be constructed in accordance with the with the revised Koala Plan of Management approved by the Secretary in accordance with MP06_0318 Condition C2 and MP08_0194 Condition 45.
- 2) The Koala fence must be constructed and functional prior to the issue of an Occupation Certificate for any building in Precinct 1. Evidence must be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management.

Landscaping

122. Prior to the issue of an Occupation Certificate, evidence must be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan. The Proponent must undertake care and maintenance operations on all streetscapes 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 Proponent.

External Lighting

- 123.
- 1) The Proponent must submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance with Condition 123.
 - 2) All externally mounted artificial lighting, including security lighting, must be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
 - 3) Illuminated signage and lights must be switched off between the hours of 10:30 pm to 6 am each evening.

Integrated Water Cycle Management

124. The Proponent must provide a Works as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan submitted in accordance with Condition 20 have been satisfactorily completed. The Plan must be endorsed by a Registered Surveyor or Designing Engineer.

Infrastructure – Road, Water, Sewer, Telephone and Electricity Services

- 125.
- 1) The service station/food and drink premises must be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of an Occupation Certificate. Such connections, and any extension of services required to the service station/food and drink premises, must be carried out at full cost to the Proponent.
 - 2) The service station/food and drink premises must not be operational until the following road infrastructure works are completed and open to traffic as described in Bitzios Consulting 'Kings Forest Service Station Traffic Impact Assessment' (Appendix E, Project No. P1745, Version 006, 4 October 2016, Sheets 1 and 2):
 - a) widening and construction of a dividing median and turning lanes on Tweed Coast Road in the vicinity of Precinct 1; and
 - b) construction of a two lane roundabout at the intersection of Tweed Coast Road and Kings Forest Parkway.
 - 3) The service station/food and drink premises must not be operational until the regional sewerage pumping station is commissioned and approved to the satisfaction of Council.

Underground Petroleum Storage System

- 125A.
- 1) Prior to issue of an Occupation Certificate, the UPSS must be installed and commissioned in accordance with the following requirements of the *UPSS Regulation 2014*:
 - a) the installation must be appropriately designed as per Condition 113E, installed and commissioned by a duly qualified person in accordance with the *UPSS Regulation 2014* and AS 4897: 2008 '*Design, installation and operation of underground petroleum storage systems*'. A report prepared by a duly qualified person containing, but not limited to, installation

- specifications of the UPSS and groundwater monitoring wells and current 'as built' drawings of the system must be submitted;
- b) the installation must have minimum mandatory pollution protection equipment in accordance with best practice;
 - c) the installation must have a certificate showing that Equipment Integrity Testing (EIT) has been undertaken; and
 - d) the system can only be commissioned if all the above requirements have been met.
- 2) The Proponent must install best practise mitigation measures/controls to prevent any off-site impacts in the event of overfilling during tanker fill/s.
 - 3) Prior to the commissioning of the proposed UPSS and groundwater monitoring wells, a duly qualified person is required to carry out an EIT on all components of the system in accordance with the *UPSS Regulation 2014*. Written certification from the duly qualified person confirming the EIT has been carried out in accordance with this regulation must be submitted to the PCA prior to the issue of an Occupation Certificate. Groundwater monitoring wells must be sealed to exclude surface water, constructed to prevent cross-contamination with other groundwater monitoring wells, clearly marked to indicate their presence and properly secured.
 - 4) An additional groundwater monitoring well must installed and monitored in a location that is representative of groundwater which is migrating towards the SEPP 14 Wetlands and Cudgen Creek to south of Precinct 1. The groundwater well is not permitted to be installed in the ecological buffer or the SEPP 14 Wetlands.
 - 5) Baseline data must be obtained from all groundwater monitoring wells prior to the installation of the UPSS.
 - 6) All groundwater monitoring wells should be monitored at six monthly intervals as a minimum or as specified under the *UPPS Regulation 2014*.
 - 7) Prior to the issue of an Occupation Certificate, the Applicant must submit to the PCA a site specific Environment Protection Plan or equivalent prepared by a duly qualified person in accordance with the *UPSS Regulation 2014*. The Environment Protection Plan or equivalent must accurately reflect the as-built configuration and equipment installed at the site. The Environment Protection Plan must include details of loss monitoring, incident management procedures and use of loss detection procedures. The Environment Protection Plan must be kept on-site for operational reference and made available to authorised officers upon request.

LPG Tanks

125B.

- 1) The Applicant must ensure that the installation of the LPG tanks is compliant with *AS 1596:2008 LP Gas – Storage and Handling Code*.

Fire Safety

125C.

- 1) A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) must be submitted to the Commissioner of NSW Fire and Rescue and a further copy of the Certificate (together with a copy of the current fire safety schedule) must be prominently displayed in the premises.
- 2) An annual Fire Safety Statement in the form described in Clause 175 of the EP&A Regulation must be submitted to the Secretary and Council, and a copy (together with a copy of the current fire safety schedule) must be given to the Commissioner of NSW Fire and Rescue. A further copy of the Statement (together with a copy of the current fire safety schedule) must be prominently displayed in the building.

Stormwater

125D. Works as executed plans for the installed Stormwater Management System must be submitted to the PCA and to Council prior to the issue of an Occupation Certificate. The plans must be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Waste Management

125E. An operational waste management plan (which will includes a program for litter management) must be provided to the satisfaction of the Secretary, in consultation with Council prior to the issue of an Occupation Certificate. The operations of the service station/food and drink premises must comply with the approved waste management plan.

Environmental Works

- 125F. Prior to the issue of the Occupation Certificate, evidence is to be submitted to the Secretary by a suitably qualified person verifying that all works have been undertaken in accordance with the approved Environmental Management Plans as per Condition 39.

DURING OPERATIONS**Loading and Unloading**

126. All loading and unloading of service vehicles in connection with the use of the service station/food and drink premises must be carried out wholly within the Precinct 1 site at all times.

Unobstructed Driveways and Parking Areas

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

Road Safety Audit

- 128.
- 1) Within 6 months of operation, the Proponent must carry out a Road Safety Audit of the service station/food and drink premises. The audit must:
 - a) be conducted in consultation with Council;
 - b) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - c) audit the service station/food and drink premises whilst it is in operation;
 - d) validate the safety of the road network associated with Precinct 1 including the entry and exit points.
 - e) include a summary of traffic related complaints or accidents and any actions that were carried out to address the complaints;
 - f) review the management practices of the service station/food and drink premises against industry best practice;
 - g) include an action plan that identifies and prioritises additional traffic mitigation measures that may be necessary to reduce traffic incidents;
 - h) provide a further program of monitoring to address traffic issues that may emerge over time.
 - 2) Within three months of commissioning this audit, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
 - 3) The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Road Safety Audit.

Operations

129. The operation must not cause disruption to the amenity of the locality by way of the emission of dust or offensive odours.

Hours of Work

- 130.
- 1) The Proponent must comply with the construction and operating hours in the below table unless otherwise agreed to in writing by the Secretary.

Service Station and Food and Drink Premises Hours of Construction and Operation

Activity	Day	Hours
Construction	Monday to Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday & Public Holidays	Nil
Operation	Trading hours:	
	Monday to Sunday	6 am to 10 pm
	Public Holidays	6 am to 10 pm
	Goods Delivering (including fuel delivery):	
	Monday to Sunday	7 am to 10 pm
	Public Holidays	7 am to 10 pm

Activity	Day	Hours
	Waste Collection:	
	Monday to Saturday	7 am to 10 pm
	Public Holidays	Nil
	Car Vacuums:	
	Monday to Sunday	7 am to 10 pm
	Public Holidays	7 am to 10 pm

Clause 1) above does not apply to any activity that is required to be performed by police or other authorities for safety reasons; and/or if there is an on-site emergency that poses an immediate danger to personnel or equipment; and/or the operation or personnel or equipment is endangered. In such circumstances, prior notification must be provided to the EPA and any affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operational Noise Limits

131. The Applicant must ensure noise from the operation does not exceed the noise limits identified in the below table.

Noise Limits (dB(A)) for Precinct 1.

Location	Noise Limits dB(A)		
	Day (7am - 6pm Monday to Saturday; 8am - 6pm Sunday)	Evening (6pm - 10pm)	Night (6am - 7am)
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)
234-254 Old Bogangar Road, Kingscliff	49	47	41
219 Tweed Coast Road, Kingscliff	42	39	32
Any dwelling east of Precinct 1	37	34	28

- 2) All externally mounted air conditioning units and other mechanical plant or equipment must be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive.
- 3) All plant and equipment (air conditioning, drainage systems, infrastructure, pollution control equipment and fuel burning equipment) installed or used in or on the premises must be:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.
- 4) The car wash is to be constructed with solid walls and a solid roof. The carwash must have automatic doors. These doors must provide more than 15 dB(A) noise reduction.
- 5) Drainage grates over trafficable areas must be fixed to avoid rattling when vehicles pass over the grate.

Noise

132.

- 1) Within 6 months of operation, the Proponent must carry out a Noise Audit of the service station/food and drink premises. The audit must:
 - a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - b) audit the service station/food and drink premises whilst it is in operation;
 - c) validate the noise levels via noise monitoring against the noise limits in Condition 131;
 - d) include a summary of noise related complaints and any actions that were carried out to address the complaints;
 - e) review the management practices of the service station/food and drink premises against industry best practice;

- f) include an action plan that identifies and prioritises additional noise mitigation measures that may be necessary to reduce noise levels; and
 - g) provide a further program of monitoring to address noise issues that may emerge over time.
- 2) Within three months of commissioning this audit, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
- 3) The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Noise Audit.

Bushfire Emergency / Evacuation Plan

132A. Arrangements for bushfire emergency and evacuation must be maintained in accordance with the Bushfire Emergency / Evacuation Plan, as required by Condition 120, and 'Planning for Bush Fire Protection 2006'. All continuing actions which may be required (e.g. training of staff, signage requirements) must be implemented.

Impacts on SEPP 14 Wetland

132B. Operation of the service station/food and drink premises must not damage or interfere in any way with the SEPP 14 wetlands, this includes any stormwater or groundwater discharge from the site.

Underground Petroleum Storage System

132C.

- 1) Any underground petroleum storage system must be operated, maintained and monitored in accordance with the *UPSS Regulation 2014*, AS4897-2008 and industry best practice.
- 2) Groundwater monitoring wells must be maintained to ensure they are sealed to exclude surface water at all times, clearly marked to indicate their presence and properly secured and tested for hydrocarbon contamination at minimum intervals of six months.
- 3) The following fuels and associated quantities are permitted to be stored in the Underground Storage Tanks:

Tank No.	Hazardous Material	Underground Storage Capacity (Litres)	Dangerous Goods Class/Packaging Group
T1	AdBlue	20,000	Not classified
T2	Diesel	90,000	C1
T3	Premium Diesel	30,000	C1
T4	Premium Unleaded Petrol 95	40,000	3 PG II
T5	Premium Unleaded Petrol 98	40,000	3 PG II
T6	Unleaded Petrol E10	50,000	3 PG II
T7	Unleaded Petrol 91	60,000	3 PG II
T8	Liquid Petroleum Gas (to be stored underground)	30,000	2.1 PG

Stormwater

132D. All stormwater infrastructure including (underground collection pits, waste water treatment plant/s and oil separators) must be maintained and serviced by appropriate waste contractors as required to ensure proper function.

Spill Management

132E. A diesel exhaust fluid and hydrocarbon spill kit must be kept on-site at all times and deployed during a spill event.

Car and Dog Wash

132F. Any solid waste from the car and dog wash must be disposed of to a licenced waste facility.

Odour

132G. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Landscaping

132H. All landscaping work must maintained in accordance with the approved plans for the life of the development.

Signage and advertising

132l.

- 1) Any prominent signage must be generally of a kind, and in the locations, shown in the approved drawings.
- 2) No flashing, or chasing lighting is to be installed or displayed on the exterior of the premises.
- 3) Any flags, bunting or other promotional material of a like nature must be arranged and properly maintained in a manner which does not detract from the appearance of the premises or the streetscape and which does not represent a hazard to the public.
- 4) Goods or advertising signs must not be displayed or allowed to stand on the public footpath or street.
- 5) Illuminated signage and lights which may impact on the residents on Old Bogangar Road must be switched off between 10:30pm and 6am each evening.

PART FOUR – SUBDIVISION OF PRECINCT 5 (LOT 2)

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Amendments to Subdivision of Precinct 5

133. Prior to the registration of final subdivision plans for Precinct 5 an amended subdivision plan shall be submitted to the Secretary ~~Director-General~~ for approval that includes an additional 49.66 hectare environmental reserve lot immediately adjacent to proposed lot 1002 and 1003, and any associated ecological buffers as depicted as 'conservation offset (future) land' and 'B50 – 50m ecological buffers' on the 'Plan of Proposed Areas to be Dedicated to Council with Work Areas' prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D, in accordance with the revised plan of dedication required by term B5 of the modified concept plan approval.

Compliance Certificates

134. Prior to the application for a Subdivision Certificate for each stage of the subdivision of Precinct 5, a Compliance Certificate or Certificates shall be obtained from council for the following:-
- 1) Compliance Certificate – Bulk Earthworks
 - 2) Compliance Certificate – Roads
 - 3) Compliance Certificate - Water Reticulation
 - 4) Compliance Certificate - Sewerage Reticulation
 - 5) Compliance Certificate – Drainage and Services

Note: 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 approval, the Construction certificate, *Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual* and Councils relevant Development Design and Construction Specifications unless otherwise altered by the Kings Forest Development Code. The EP&A Act makes no provision for works under the Water Management Act 2000 to be accredited by an "accredited certifier".

Part 4A Certificate

135. Prior to the registration of final subdivision plans for Precinct 5 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 of Precinct 5.

Geotechnical Certification

136.

- 1) Prior to issue of the first Subdivision Certificate for any stage of the subdivision of Precinct 5, the consultant geotechnical engineer is to certify the following on the site:
 - a. Level 1 Certification for the earthworks by a Registered Geotechnical Engineer in accordance with AS 3798 2007 (Guidelines on Earthworks for Commercial and Residential Development).
 - ~~b. All lots in Precinct 5 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.~~
- 2) This certification shall be provided to the PCA prior to the release of the Subdivision Certificate for the first stage of the project.

Post Construction Dilapidation Report

137. A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the subdivision to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the PCA, prior to issue of the Subdivision Certificate for each stage of the subdivision of Precinct 5.

Acoustic Provisions

138. Certification shall be received from an appropriately qualified acoustic engineer that all acoustic barriers have been installed in accordance with the Environmental Noise Impact Report prepared by CRG Acoustical Consultants dated 24 August 2012.

Damage to Property

- 139.
- 1) Any damage to public property (including pavement damage) is to be rectified to the satisfaction of the PCA prior to the issue of a Subdivision Certificate.
 - 2) 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 for each stage of the subdivision of Precinct 5.

Traffic and Access

140. In order to ensure appropriate access arrangements to the site have been made, the following roads and intersections shall be constructed to the relevant RTA and AUSTROADS standards prior to the release of a Subdivision Certificate for the first stage of subdivision in Precinct 5.
- 1) Kings Forest Parkway from the intersection of Tweed Coast Road to the first roundabout
 - 2) Intersection of Tweed Coast Road and Kings Forest Parkway
 - 3) The roundabout at the intersection of Kings Forest Parkway and the Precinct 5 entrance road.

Bushfire Management

- 141.
- 1) Prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5, the Proponent shall engage a suitably qualified bushfire consultant to certify that the site layout complies with the following:
 - a) The asset protection zones (APZ) required by *Planning for Bushfire Protection 2006* are to be provided in accordance with the Bushfire Risk Assessment prepared by Bushfiresafe (Aust) Pty Ltd dated August 2012. Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction certificate for each stage of the project.
 - b) Water, Electricity and Gas shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006*.
 - c) The internal road shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006* and the entrance way to the parking area shall be a minimum of 6.5 metres in width.
 - d) Landscaping shall comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
 - e) An Emergency Evacuation Plan is to be prepared in line with NSW RFS document *Guidelines for the Preparation of an Emergency/Evacuation Plan*.
 - 2) A fire trail is to be provided around Lot 1001 to provide access to the APZ and bushland interface for fire fighting purposes. The fire trail shall comply with section 4.1.3(3) of *Planning for Bushfire Protection 2006*.
 - 3) Notwithstanding 2) above, the Proponent may provide alternate access to the APZ and bushland interface within the future development of Lot 1001 where such a trail affects the design layout of the future townhouse development on Lot 1001. Any such proposal to delete the fire trail should be referred to the RFS for consideration and approval.
 - 4) Certification shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for each stage of the subdivision in Precinct 5.
 - 5) A Plan of Management shall be prepared by a suitably qualified bushfire consultant for the future ongoing maintenance of asset protection zones prior to the release of the Subdivision Certificate for each relevant stage of the subdivision of Precinct 5.

Flood Management

142. Prior to issue of a Subdivision Certificate for any stage of the subdivision, evidence is to be obtained from a suitably qualified professional civil engineer that certifies flood management works have been completed in accordance with the Preliminary Flood Assessment prepared by Gilbert & Sutherland dated September 2012 in Appendix 18 of the Proponent's PPR . This includes the following:
- 1) Finished pad levels across the site should be consistent with the recommended levels in the Flooding and Flood Management Assessment to ensure flood immunity during a 100 year Average Recurrence Interval (ARI) flood event, incorporating future high range climate change impacts (0.91m sea level rise plus 10% increase in rainfall intensity)
 - 2) Appropriate and safe emergency evacuation routes have been provided to all residents during a Probable Maximum Flood event
 - 3) Habitable floor levels are set at 0.5m above the upper limit high climate change (0.91m sea level rise plus 10% increase in rainfall intensity) ARI 100 year event.

Registration of Easements / Restrictions to Use / Rights of Carriageway

- 143.
- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property.
 - b) Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c) A restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
 - d) A Restriction as to User on all residential lots prohibiting the keeping of cats within the site.]
 - e) All existing powerlines are to have an easement registered on title over the location of the powerlines and the land transferred to Essential Energy prior to dedication of any land to the Office of Environment and Heritage.
 - f) A Restriction as to User over all private allotments abutting the acoustic fence within Precinct 5: Certification shall be received from an appropriately qualified acoustic engineer certifying that an acoustic building shell assessment has been undertaken in accordance with Australian Standard AS3671:1989 Acoustics - Road traffic noise intrusion - Building Sitting and Construction to achieve satisfactory internal noise levels prescribed in AS/NZS 2107:1987 Acoustics - Recommended Design Sound Level and Reverberation Times for Building Interiors. The assessments are applicable to any second and subsequent level, or equivalent level, habitable spaces.
 - g) A Restriction as to User burdening all private allotments abutting any acoustic fence making the landowner responsible for the acoustic fence in perpetuity, including maintenance and replacement.
 - ~~h) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire 2006 Guidelines and the NSW Rural Fire Service's document Standards for asset protection zones as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.~~
 - 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of council.
 - 3) 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 for costs to be shared equally or proportionally on an equitable basis

Utilities – Water, Sewer, Telephone and Electricity Services

144. All residential lots in Precinct 5 are to be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of a Subdivision Certificate for each stage of the subdivision. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Landscaping

145. Upon completion of landscape works, and prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5, evidence is to be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan submitted in accordance with condition 35. The Proponent shall also ensure that this landscaping is maintained in accordance with the Landscape Plan and in a healthy and vigorous state prior to any handover to council.

Embellishment of Open Space

146. The Proponent must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and provide to council a bank guarantee or cash contribution equivalent to the value of such items prior to release of the Subdivision Certificate for each stage.

Note: Council will undertake the installation of the play equipment and softfall at the appropriate time, but not before 20% of the Precinct 5 allotments are occupied. The developer must provide a bank guarantee or cash contribution to the value of such items prior to the release of the Subdivision Certificate for each stage Council will undertake the installation at the appropriate time.

Integrated Water Cycle Management

147. The Proponent shall provide a Work as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5.

Koala Plan of Management

148. All necessary management measures relevant to Precinct 5 (exclusion fencing, road grids, traffic calming devices, underpasses etc) required by the approved Koala Plan of Management prepared by James Warren and Associates dated August 2012, must be constructed and functional prior to the release of a Subdivision Certificate for the first stage of the subdivision in Precinct 5. Evidence is to be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management, and submitted to the Secretary ~~Director General~~ for approval.

~~Dedication of Public Open Space~~

- ~~149. The Proponent must make necessary arrangements for the progressive dedication of the public open space areas to council within Precinct 5 prior to the release of the subdivision certificate for that stage of the subdivision works in Precinct 5. Areas to be dedicated are to be consistent with the Plan of Development in Appendix 5 of the Proponent's PPR (Plan Nos 12, 13 and 14 dated 15 August 2012). This condition does not apply to the land dedicated to Council in the future.~~

Public Reserves and Drainage Reserves

148. The Proponent must make necessary arrangements for the progressive dedication of the public reserves and drainage reserves within Precinct 5 on the registration of the relevant plan of subdivision for each stage. Areas to be dedicated are to be consistent with sheets 1 to 11 'Plan of Proposed Subdivision of Lot 2 (Precinct 5) Kings Forest For Stage 1 Project Application' dated 5 September 2012, revision D, prepared by Landsurv Pty Ltd.

~~Dedication of Land to OEH~~

- ~~150. In accordance with the terms of the Concept Plan approval (06_0318), the Proponent must provide evidence of an agreement for the dedication to OEH of approximately 150ha of Offset Land as addition to the Cudgen Nature Reserve prior to the release of a subdivision certificate for Precinct 5. The land to be dedicated is that land shown on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' Revision C, dated 23 August 2012 in Appendix 9 of the PPR. Such an agreement must outline the Proponent's commitment to establish boundary fences, access trails and fire trails satisfactory to the needs of OEH prior to the Offset Land being added to the Cudgen Nature Reserve. The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest and weed management plans. The funding should be sufficient to ensure actions within the Environmental Management Plans, as amended under this approval, relevant to the new additions are able to be completed.~~

Dedication of Land to OEH

149. In accordance with the terms of the Concept Plan approval (06_0318), the Proponent must provide evidence of an agreement for the dedication to the OEH of at least approximately 150ha of land as addition to the Cudgen Nature Reserve prior to the release of a subdivision certificate under Part 4 of this approval for Precinct 5. The land to be dedicated is that land shown on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' Revision C, dated 23 August 2012 (listed in condition A3). Such an agreement must outline the Proponent's commitment to establish boundary fences, access trails and fire trails to the satisfaction of the OEH prior to the land being added to the Cudgen Nature Reserve.
- The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest and weed management plans. The funding should be sufficient to ensure actions within the Environmental Management Plans, as amended under this approval, relevant to the new additions are able to be completed.

Dedication of Internal Roads

151. All internal roads in Precinct 5 shall be constructed by the Proponent prior to the issue of a Subdivision Certificate and the roads shall be dedicated to Council upon registration of the Plan of Subdivision in the Land Titles Office, for that relevant stage of subdivision. Street numbering and street naming is to be determined in accordance with Council's street numbering policy.

Dedication of Drainage Reserve

152. Prior to the release of the subdivision certificate for each stage of the subdivision of Precinct 5 the Proponent shall:
- Indicate on the Plan of Subdivision dedication of the proposed drainage reserve at no cost to council.
 - 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.

Defects Liability Bond

- 153.
- Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with council.
 - The bond shall be based on 5% of the value of the works on land to be dedicated to Council as a consequence of the Plan of Subdivision to which the Subdivision Certificate relates (or minimum amount as tabled in Council's fees and charges current at the time of payment, whichever is greater) which will be held by council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the Proponent to apply for refund following the remedying of any defects arising within the 6 month period.
 - Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract value of the footpath construction works on land to be dedicated to Council as a consequence of the plan of subdivision to which the Subdivision Certificate relates shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.
 - Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
 - A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping on land to be dedicated to Council as a consequence of the Plan of Subdivision to which the Subdivision Certification relates is maintained by the developer for a period of 12 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
 - The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

Section 94 Developer Contributions

- 154.
- Contributions plans relevant to the project include:
 - CP04 Section 94 Plan No.4 – Tweed Road Contribution Plan
 - CP11 Section 94 Plan No.11 – Shire Wide Library Facilities
 - CP12 Section 94 Plan No.12 – Bus Shelters
 - CP13 Section 94 Plan No.13 – Eviron Cemetery
 - CP18 Section 94 Plan No.18 – Council Administration Offices and Technical Support Facilities

- vi. CP19 Section 94 Plan No.19 – Casuarina Beach / Kings Forest
 - vii. CP22 Section 94 Plan No.22 – Cycleways
 - viii. CP26 Section 94 Plan No.26 – Shirewide Regional Open Space
- b) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued 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 include indexation provided for in the Section 94 Plan and will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.
- c) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

Stage 1 – Precinct 1

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	680.2213 trips	\$1395 per trip	\$948,908.71
S94 Plan No. 18	N/A	N/A	N/A

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	647.4 trips	\$1186 per trip	\$767,816
S94 Plan No. 11	101.25 ET	\$838 per ET	\$84,848
S94 Plan No. 12	101.25 ET	\$64 per ET	\$6,480
S94 Plan No. 13	101.25 ET	\$123 per ET	\$12,454
S94 Plan No. 18	101.25 ET	\$1860.31 per ET	\$188,356.39
S94 Plan No. 19 Community Facilities	101.25 ET	\$2263 per ET	\$229,129
S94 Plan No. 22**	101.25 ET	\$473 per ET	\$47,891
S94 Plan No. 26 Casual	101.25 ET	\$1091 per ET	\$110,464
S94 Plan No. 26 Structured	101.25 ET	\$3830 per ET	\$387,788

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	156 trips	\$1186 per trip	\$185,016
S94 Plan No. 11	25.375 ET	\$838 per ET	\$21,264
S94 Plan No. 12	25.375 ET	\$64 per ET	\$1,624
S94 Plan No. 13	25.375 ET	\$123 per ET	\$3,121
S94 Plan No. 18	25.375 ET	\$1860.31 per ET	\$47,205.37
S94 Plan No. 19 Community Facilities	25.375 ET	\$2263 per ET	\$57,424
S94 Plan No. 22**	25.375 ET	\$473 per ET	\$12,002
S94 Plan No. 26 Casual	25.375 ET	\$1091 per ET	\$27,684

S94 Plan No. 26 Structured	25.375 ET	\$3830 per ET	\$97,186
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* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	98.8 Trips	\$1186 per trip	\$117,177
S94 Plan No. 11	15.75 ET	\$838 per ET	\$13,199
S94 Plan No. 12	15.75 ET	\$64 per ET	\$1,008
S94 Plan No. 13	15.75 ET	\$123 per ET	\$1,937
S94 Plan No. 18	15.75 ET	\$1860.31 per ET	\$29,299.88
S94 Plan No. 19 Community Facilities	15.75 ET	\$2263 per ET	\$35,642
S94 Plan No. 22**	15.75 ET	\$473 per ET	\$7,450
S94 Plan No. 26 Casual	15.75 ET	\$1091 per ET	\$17,183
S94 Plan No. 26 Structured	15.75 ET	\$3830 per ET	\$60,323

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	265.2 Trips	\$1186 per trip	\$314,527
S94 Plan No. 11	43 ET	\$838 per ET	\$36,034
S94 Plan No. 12	43 ET	\$64 per ET	\$2,752
S94 Plan No. 13	43 ET	\$123 per ET	\$5,289
S94 Plan No. 18	43 ET	\$1860.31 per ET	\$79,993.33
S94 Plan No. 19 Community Facilities	43 ET	\$2263 per ET	\$97,309
S94 Plan No. 22**	43 ET	\$473 per ET	\$20,339
S94 Plan No. 26 Casual	43 ET	\$1091 per ET	\$46,913
S94 Plan No. 26 Structured	43 ET	\$3830 per ET	\$164,690

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	384.8 Trips	\$1186 per trip	\$456,373
S94 Plan No. 11	59.75 ET	\$838 per ET	\$50,071
S94 Plan No. 12	59.75 ET	\$64 per ET	\$3,824
S94 Plan No. 13	59.75 ET	\$123 per ET	\$7,349
S94 Plan No. 18	59.75 ET	\$1860.31 per ET	\$111,153.52
S94 Plan No. 19 Community Facilities	59.75 ET	\$2263 per ET	\$135,214

S94 Plan No. 22**	59.75 ET	\$473 per ET	\$28,262
S94 Plan No. 26 Casual	59.75 ET	\$1091 per ET	\$65,187
S94 Plan No. 26 Structured	59.75 ET	\$3830 per ET	\$228,843

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	153.4 Trips	\$1186 per trip	\$181,932
S94 Plan No. 11	25.25 ET	\$838 per ET	\$21,160
S94 Plan No. 12	25.25 ET	\$64 per ET	\$1,616
S94 Plan No. 13	25.25 ET	\$123 per ET	\$3,106
S94 Plan No. 18	25.25 ET	\$1860.31 per ET	\$46,972.83
S94 Plan No. 19 Community Facilities	25.25 ET	\$2263 per ET	\$57,141
S94 Plan No. 22**	25.25 ET	\$473 per ET	\$11,943
S94 Plan No. 26 Casual	25.25 ET	\$1091 per ET	\$27,548
S94 Plan No. 26 Structured	25.25 ET	\$3830 per ET	\$96,708

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	322.4 Trips	\$1186 per trip	\$382,366
S94 Plan No. 11	51.25 ET	\$838 per ET	\$42,948
S94 Plan No. 12	51.25 ET	\$64 per ET	\$3,280
S94 Plan No. 13	51.25 ET	\$123 per ET	\$6,304
S94 Plan No. 18	51.25 ET	\$1860.31 per ET	\$95,340.89
S94 Plan No. 19 Community Facilities	51.25 ET	\$2263 per ET	\$115,979
S94 Plan No. 22**	51.25 ET	\$473 per ET	\$24,241
S94 Plan No. 26 Casual	51.25 ET	\$1091 per ET	\$55,914
S94 Plan No. 26 Structured	51.25 ET	\$3830 per ET	\$196,288

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	208 Trips	\$1186 per trip	\$246,688
S94 Plan No. 11	34.75 ET	\$838 per ET	\$29,121
S94 Plan No. 12	34.75 E	\$64 per ET	\$2,224
S94 Plan No. 13	34.75 E	\$123 per ET	\$4,274
S94 Plan No. 18	34.75 E	\$1860.31 per ET	\$64,645.77

S94 Plan No. 19 Community Facilities	34.75 E	\$2263 per ET	\$78,639
S94 Plan No. 22**	34.75 E	\$473 per ET	\$16,437
S94 Plan No. 26 Casual	34.75 E	\$1091 per ET	\$37,912
S94 Plan No. 26 Structured	34.75 E	\$3830 per ET	\$133,093

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	182 Trips	\$1186 per trip	\$215,852
S94 Plan No. 11	30.75 ET	\$838 per ET	\$25,769
S94 Plan No. 12	30.75 ET	\$64 per ET	\$1,968
S94 Plan No. 13	30.75 ET	\$123 per ET	\$3,782
S94 Plan No. 18	30.75 ET	\$1860.31 per ET	\$57,204.53
S94 Plan No. 19 Community Facilities	30.75 ET	\$2263 per ET	\$69,587
S94 Plan No. 22**	30.75 ET	\$473 per ET	\$14,545
S94 Plan No. 26 Casual	30.75 ET	\$1091 per ET	\$33,548
S94 Plan No. 26 Structured	30.75 ET	\$3830 per ET	\$117,773

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	78 Trips	\$1186 per trip	\$92,508
S94 Plan No. 11	17.5 ET	\$838 per ET	\$14,665
S94 Plan No. 12	17.5 ET	\$64 per ET	\$1,120
S94 Plan No. 13	17.5 ET	\$123 per ET	\$2,153
S94 Plan No. 18	17.5 ET	\$1860.31 per ET	\$32,555.43
S94 Plan No. 19 Community Facilities	17.5 ET	\$2263 per ET	\$39,603
S94 Plan No. 22**	17.5 ET	\$473 per ET	\$8,278
S94 Plan No. 26 Casual	17.5 ET	\$1091 per ET	\$19,093
S94 Plan No. 26 Structured	17.5 ET	\$3830 per ET	\$67,025

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Section 64 Developer Contributions

155.

- a) Development Servicing plans relevant to the project include:
 - i. Tweed Shire Council Development Servicing Plans for Water Supply Services July 2007
 - ii. Tweed Shire Council Development Servicing Plans for Sewerage Supply Services July 2007

- b) 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.
- c) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued 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.
- d) The below charges remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in council's adopted Fees and Charges current at the time of payment.
- e) The Proponent shall pay, in proportion to the additional lots created by each stage, the following estimate monetary contributions:

Stage 1 – Precinct 1

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	19.2631 ET	\$13,386 per ET	\$257,855.86
South Kingscliff Water Levy	19.2631 ET	\$338 per ET	\$6,510.92
Sewer Kingscliff	30.4854 ET	\$6,431 per ET	\$196,051.61

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	113 ET	\$12,575 per ET	\$1,420,975
South Kingscliff Water Levy	113 ET	\$292 per ET	\$32,996
Sewer Kingscliff	113 ET	\$6,042 per ET	\$682,746

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	25.4 ET	\$12,575 per ET	\$319,405
South Kingscliff Water Levy	25.4 ET	\$292 per ET	\$7,417
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	16 ET	\$6,042 per ET	\$96,672

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	42.8 ET	\$12,575 per ET	\$538,210
South Kingscliff Water Levy	42.8 ET	\$292 per ET	\$12,498
Sewer Kingscliff	44 ET	\$6,042 per ET	\$265,848

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	60 ET	\$12,575 per ET	\$754,500
South Kingscliff Water Levy	60 ET	\$292 per ET	\$17,520

Sewer Kingscliff	60 ET	\$6,042 per ET	\$362,520
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Stage 2 – Precinct 5 – Sub Stage 2(6)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	26 ET	\$12,575 per ET	\$326,950
South Kingscliff Water Levy	26 ET	\$292 per ET	\$7,592
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	52 ET	\$12,575 per ET	\$653,900
South Kingscliff Water Levy	52 ET	\$292 per ET	\$15,184
Sewer Kingscliff	52 ET	\$6,042 per ET	\$314,184

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	36 ET	\$12,575 per ET	\$452,700
South Kingscliff Water Levy	36 ET	\$292 per ET	\$10,512
Sewer Kingscliff	36 ET	\$6,042 per ET	\$217,512

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	30.8 ET	\$12,575 per ET	\$387,310
South Kingscliff Water Levy	30.8 ET	\$292 per ET	\$8,994
Sewer Kingscliff	32 ET	\$6,042 per ET	\$193,344

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	20 ET	\$6,042 per ET	\$120,840

Works as Executed

156.

- 1) The Proponent is to construct, at own cost, all civil and service infrastructure works to service each stage of the subdivision, in accordance with the construction certificate under the supervision of a professional engineer or registered surveyor.
- 2) Works as Executed Plans shall be submitted in accordance with the provisions of Council's *Development Control Plan A5 - Subdivisions Manual* (as in force at the date of this approval) and Council's *Development Design and Construction Specification, D13 - Engineering Plans* (as in force at the date of this approval).
- 3) The earthworks shall be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798-2007 'Guidelines on earthworks for commercial and residential developments' (August 2008). A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with that standard and that the development is suitable for its intended use shall be submitted to the PCA upon completion.
- 4) The plans are to be endorsed by a Registered Surveyor or a Consulting Engineer Certifying that:

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

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

- 5) Work as Executed Plans (WAX) must also be submitted 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.
- 6) 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.
 - c) An electronic copy in DWG or DXF format on CD or an approved medium.

Services – Telephone and Electricity Services and Federal Government’s National Broadband Network (NBN)

157.

- 1) In accordance with the Federal Government's National Broadband Network (NBN) initiatives (as may be in force at the time), the Proponent is required (at the Proponent's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services, or a complying alternative to the satisfaction of the relevant Federal Government Agency.
- ~~2) The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of the allotment has been completed must be submitted prior to the issue of a Subdivision Certificate for each stage of the project.~~
- 2) 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 the allotment must be submitted prior to the issue of a Subdivision Certificate for each stage of the project.
- 2) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been completed prior to the issue of a Subdivision Certificate for each stage of the project.
- 3) The reticulation is to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.
- 4) The submission to the Certifying Authority and subsequent registration of the required right of carriageway / easement for services / restrictions as to users is required.

Water Supply and Sewer

158.

- 1) Prior to issuing a Subdivision Certificate, reticulated water supply and outfall sewerage reticulation shall be provided to all residential lots within the subdivision in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual (as in force at the date of this approval), Councils Development Design and Construction Specifications (as in force at the date of this approval) and the Construction Certificate approval.
- 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 plan of subdivision.
- 3) Note: The *Environmental Planning and Assessment Act 1979* makes no provision for works under the *Water Management Act, 2000* to be certified by an Accredited Certifier.
- 4) The site of the sewage pumping stations shall be transferred to Council in fee simple no cost to Council within 28 days of the date of registration of the Plan of Subdivision. The size and shape of the lot shall be determined on the basis of the design of the pump station taking into account all infrastructure to be constructed on the site at the initial stage and at any future stage of the development of Kings Forest as indicated by the Water and Sewer Strategy (as in force at the date of this approval) and Council's Development Design Standards and Standard Drawings (as in force at the date of this approval). Location, size and layouts shown on the drawings are considered indicative and may be subject to change to ensure compliance with relevant standards and requirements.

Required Drainage Inspections

159.

- 1) Prior to the issue of both a Subdivision Certificate and the end of the defects liability period, a CCTV inspection of any stormwater pipes and culverts installed and intended to be dedicated to Council including joints and junctions, will be required to demonstrate that the standard of the infrastructure is acceptable to council.
- 2) All drainage design must comply with Council's Development Design and Construction Specifications (as in force at the date of this approval) in the Tweed Shire Council Development Control Plan – Section A5 - Subdivision Manual.
- 3) Any defects identified by the inspection are to be repaired in accordance with Council's Development Design and Construction Specification (as in force at the date of approval).
- 4) All costs associated with the CCTV inspection and repairs shall be borne by the Proponent.
- 5) Prior to the issue of a Subdivision Certificate for any stage of the subdivision, the Certifying Authority must undertake a final inspection of the works and be satisfied that all relevant conditions of approval have been complied with.
- 6) All components of biofiltration areas shall be constructed in accordance with the construction certificate prior to the issue of a subdivision certificate for any area within the contributing catchment, however the biofiltration areas shall be provided with temporary protection measures (such as turf) at all points of discharge into the swale/basin where sediment laden runoff may discharge during the dwelling construction phase of the precinct. The developer shall provide to Council a bank guarantee or cash contribution equivalent to the value of removing the temporary protection measures and providing the completed surface treatment, including all plantings, in accordance with approved construction certificate plans, to allow Council to undertake the surface works at an appropriate time.

Assets Created

160. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.

Survey Marks

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

DURING OPERATIONS

Bushfire Management

162. At the issue of first Subdivision Certificate and in perpetuity the asset protection zones identified on the plan titled Plan of Proposed Subdivision of Lot 2 (Precinct 5) Kings Forest, prepared by Landsurv Pty Ltd, ref: 34860-2 (Sheet 1 of 1 – revision D and Sheets 1 of 11 to 11 of 11 – revision D), dated 05.09.2012, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones* (as in force at the date of this approval).
-

ADVISORY NOTES

Appeals

- A1. The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the *Environmental Planning and Assessment Regulation 2000*.

Other Approvals and Permits

A2.

- 1) The Proponent shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.
- 2) The Proponent must obtain relevant licences under the *Water Act 1912* and the *Water Management Act 2000* (whichever is relevant at the time the application is made) for all activities that intercept or extract groundwater or surface water prior to commencement of these activities.

Responsibility for other consents / agreements

- A3. The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

SEPP14 Wetlands

- A5. Undertaking developments which damage coastal wetlands without the necessary approvals is a breach of the EP&A Act 1979 and may lead to court action. Land managers or landowners who carry out clearing, draining, filling or the construction of levees within a SEPP 14 area without approval run the risk of facing court proceedings under sections 123 or 125 of the EP&A Act. Failure to comply with SEPP 14 can result in substantial fines and orders to plant and maintain vegetation under section 126 of the EP&A Act. Orders to remedy or restrain a breach of the EP&A Act can also be made under section 124.

Temporary Structures

- A6. An approval under *State Environmental Planning Policy (Temporary Structures) 2007* 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 *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- A7. 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 Applicant/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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- A8. 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 the Department of Sustainability, Environment, Water, Population and Communities 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.

MAP 1



Map 1: Location of ex-Banana Land, nominated by OEH as potential land for Koala food tree planting (condition 45).

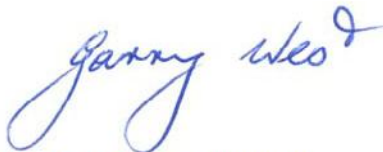
SCHEDULE 3

STATEMENT OF COMMITMENTS

Modification of Minister's Approval

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

The Planning Assessment Commission of New South Wales (the Commission), under the instrument of delegation dated 20 May 2011, approve the modification of the concept application referred to in schedule 1, subject to the conditions in schedule 2.



Member of the Commission



Member of the Commission

Sydney

11 August 2013

SCHEDULE 1

Concept Approval:

06_0318 granted by the Minister for Planning on 19 August 2010

For the following:

Residential subdivision, Kings Forest, Tweed LGA.

Modification:

Mod 2 06_0318: The modification includes the following:

- amendments to term A2 of the approval amending the approved concept plan drawings
- amendments to term B4 of the approval requiring a new east-west wildlife corridor
- a new term of approval requiring a revised plan of land dedication
- a new term of approval that modifies the revised Development Code
- a new term of approval requiring the Proponent to implement all management and maintenance activities in the environmental management plans in perpetuity
- a new term of approval requiring environmental auditing and reporting on all environmental lands
- a new future environmental assessment requirement requiring further traffic assessment for the future upgrades to the Tweed Coast Road and Kings Forest Parkway intersection
- new future environmental assessment requirements regarding the embellishment and dedication of casual and structured open space
- a new future environmental assessment requirement requiring a Rehabilitation Plan for Blacks Creek
- a new future environmental assessment requirement requiring a management plan for the new east-west wildlife corridor
- a new future environmental assessment requirement requiring all future development applications for subdivision to provide details of proposed land dedications to Tweed Shire Council

SCHEDULE 2

The above approval is modified as follows:

SCHEDULE 1

PART A – TABLE

- 1) Delete the words “Date approval is liable to lapse: 5 years from the date of determination”

PART C – DEFINITIONS

- 2) Immediately after the definition for “Council” insert new definitions as follows:

Land to be dedicated to Council in the future means the land to be dedicated to Council as identified on the Council Dedicated Land Plan.

Council Dedicated Land Plan means the ‘Plan of Proposed Areas to be Dedicated to Council with Work Areas’ prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D.

- 3) Immediately after the definition for “Environmental Assessment” insert a new definition as follows:

Environmental Management Plan means the environmental management plans in Appendix 10 of the Preferred Project Report 2012.

- 4) Immediately after the definition for “Minister” insert a new definition as follows:

Offset Area means the land proposed to be dedicated to the Office of Environment and Heritage as identified on the ‘Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development’ prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C.

- 5) Immediately after the definition for “Preferred Project Report” insert a new definition as follows:

Preferred Project Report 2012 means the Proponent’s preferred project report lodged for project application MP08_0194 and dated October 2012.

SCHEDULE 2

PART A

- 6) Delete term A2 and replace with new term A2 as follows:

A2 *Project in Accordance with Plans*

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

Design, Landscape and Survey Drawings			
Plan No.	Revision	Name of Plan	Date
1056-RD19	A	Kings Forest Cadastre Plan	4 March 2008
01	A	Revised Concept Plan	21 August 2012
02	A	Scope of Works	21 August 2012
03	A	Site Analysis	23 August 2012
04	A	Precinct Plan	21 August 2012
05	A	Open Space Network	21 August 2012
06	A	Road Hierarchy	23 August 2012
07	A	Potential Bus Route	23 August 2012
08	B	Density Matrix Summary	12 October 2012

09	B	Development Matrix	12 October 2012
Figure 12 of Buffer Management Plan Precincts 1 & 5	-	Revised Heath Regeneration and Revegetation Areas	20 August 2012
Figure 9 of Buffer Management Plan Precinct 2-4 & 6-14	-	Revised Heath Regeneration and Revegetation Areas	20 August 2012
Figure 10 of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10A of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10B of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10C of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10D of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10E of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10F of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10G of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10H of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10I of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10J of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10K of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10L of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012

except for:

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

7) Omit point 9) in term A3 and instead insert a new point 9) as follows:

9) Kings Forest Development Code as amended by condition B6.

8) Immediately after point 9) in term A3, adding points 10) and 11) as follows:

10) Project Application Environmental Assessment Report, Kings Forest Stage 1 Subdivision and Bulk Earthworks (MP08_0194), prepared by JBA Planning dated November 2011

11) Preferred Project Report, Major Project Application No. 08_0194 Kings Forest, Stage 1 Subdivision and Bulk Earthworks Tweed Shire, prepared by Darryl Anderson Consulting Pty Ltd dated October 2012.

9) Immediately after Term A4 add new Term A5 as follows:

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 works the subject of any related application are physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

PART B

10) Amend B2:

B2 *Annual Flora and Fauna Monitoring Report*

Amend term B2 by replacing the reference to "DECCW" with "OEH"

11) Delete term B3 and replace with new term B3 as follows:

B3 *Further Protection of Heathland*

Heathland is to be provided with long-term protection and allowed to naturally regenerate on the site.

The heathland to be protected is to be that contained within the 50m ecological buffer in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 12 of the Buffer Management Plan for Precinct 1 & 5 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012 and Figure 9 of the Buffer Management Plan for Precincts 2-4 & 6-14 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.

12) Delete term B4 and replace with new term B4 as follows:

B4 *East-West Wildlife Corridors*

- 1) A fully revegetated east-west wildlife corridor generally 100 metres wide (with a minimum of 50 metres at any one point) shall be constructed between the existing central east-west wildlife corridor and the existing native vegetation separating Precinct 9 and 10 from Precinct 11, (as identified in the plan, entitled "East-West Wildlife Corridor", at Attachment A to this approval) and extending to the north of the site between the existing native vegetation and ecological buffers separating Precinct 9 and 10 from Precinct 11. The corridor shall be designed to maximise fauna use (especially koalas), continuity with existing vegetation and should consider restoration works on surrounding properties. The details of this modification, including regeneration / revegetation of the corridor and the preferred long term protection mechanism are to be submitted to the satisfaction of the Director-General within 12 months of the date of the modified approval (06_0318 Mod 2) or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project, whichever occurs first.

13) Immediately after term B4, insert new terms B5, B6 and B7 as follows:

B5 *Dedication of Land to Tweed Shire Council*

- c) The Council Dedicated Land Plan shall be amended to identify each precinct (as shown in the Precinct Plan in the Preferred Project Report 2012) and the land to be dedicated to the Council for each precinct. The amended plan is to include a reconciliation table showing each precinct and the corresponding land to be dedicated to the Council. The Council Dedicated Land Plan shall be amended such that the extent of lands to be dedicated should include any environmental protection areas adjacent to the proposed stage extending to where such areas are intersected by any approved road alignment or adjoin environmental buffers to adjacent stages.
- 2) The amended Council Dedicated Land Plan shall be reviewed by Council and submitted to the Director-General for approval within 12 months of the date of the first project approval (MP08_0194) or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project whichever occurs first.

Note: If no agreement is reached the land to be dedicated to Council in the future will not be dedicated to Council and term B7 will continue to apply.

B6 *Kings Forest Development Code*

The Kings Forest Development Code dated 2012 submitted with the Proponent's PPR dated October 2012 is modified as follows:

- 1) Part A, Schedule 1
 - a. Part 2.1.15 is amended to be consistent with Clause 4A.1 of SEPP (Exempt and Complying Development Codes) 2008
 - b. Part 2.1.72 is amended to be consistent with clause 2.70 of SEPP (Exempt and Complying Development Codes) 2008
- 2) Part A, Schedule 2
 - a. Part 2.2.1(ac) is amended to be consistent with clause 3.36B of SEPP (Exempt and Complying Development Codes) 2008
- 3) Part B, Section 5.4
 - a. Control 10 - The addition of the words "or public footway" is not approved
- 4) Part B, Section 5.6
 - a. Control 1(a) - The deletion of Control 1(a) is not approved
 - b. Control 1(b) - Delete Control 1(b) and replaced with new Control 1(b) as follows:

(b) A notation that development on the dwellings/buildings adjacent to Asset Protection Zones is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas
 - c. Control 1(j) - The deletion of the words "dwellings per lot" is not approved. Immediately after the words "dwellings per lot" in Control 1(j), insert the words "and bedrooms per dwelling"

The revised Development Code is to be submitted to the satisfaction of the Director-General within 3 months of the date of this approval or prior to the lodgment of the first development application for the project or prior to the issue of the first construction certificate for the project whichever occurs first.

B7 *Implementation of Environmental Management Plans*

- 1) The Proponent is responsible for the management of all land to be dedicated to Council in the future and the Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans from the date of the Stage 1 project approval (08_0194), until such time that an agreement is reached with OEH and/or Tweed Shire Council regarding the dedication of that land.

B8 *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.

PART C

14) Amend term C1 as follows:

C1 *Plan of Development*

a) Delete term C1(2) and replace with new term C1(2) as follows:

(2) A notation on fire affected lots that development is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas.

Amend term C1(4) by deleting the words "Fill and"

15) Amend term C2 as follows:

C2 *Management Plans*

Delete the first two sentences of term C2 and replace with new words as follows:

"All future applications are to include precinct-specific management plans providing details on timelines for implementation of recommended works including both establishment and maintenance periods and measurable performance criteria. Each plan is to include an annual maintenance schedule of works following the initial establishment period and ongoing monitoring requirements.

Each plan must consider all other existing plans for the site to ensure management strategies do not conflict and that each plan can be implemented without negatively impacting on the objectives of another.

Final plans are to be prepared in consultation with Council and endorsed by the Director-General prior to the lodgement of the relevant development application for each stage."

16) Delete term C3 and replace with new term C3 as follows:

C3 *Dedication of Land to OEH*

Prior to the release of the first subdivision certificate for the project, or as otherwise determined by the Director-General (at the request of the Proponent), the Proponent must provide evidence of an agreement for the dedication by Project 28 P/L to OEH of approximately 150ha of Offset Land as addition to the Cudgen Nature Reserve.

Such an agreement must outline the proponent's commitment to establish boundary fences and trails satisfactory to the needs of OEH prior to the Offset Land being added to Cudgen Nature Reserve. The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest, weed and management plans. The funding should be sufficient to ensure actions within the amended plans relevant to the new additions are able to be completed.

17) Amend term C6 as follows:

C6 *Traffic Assessment*

Immediately after Term C6(1) inserting new point (2) as follows:

(2) Any future application that requires further upgrades (eg: signalisation) of the Tweed Coast Road and Kings Forest Parkway intersection must include a further traffic assessment to determine the most appropriate traffic control device for this intersection. This analysis should be in accordance with the RMS *Traffic Modelling Guidelines* (February 2013) and should include but not be limited to;

- a) a comparison of pedestrian and vehicle numbers against the warrants for signal installation.
- b) the feasibility of alternative traffic control treatments, i.e. roundabouts.
- c) the number and type of road crashes at the proposed signal location.
- d) traffic counts and vehicle movements at the proposed signal location.

- e) the local road geometry including grades, sight distances, road width and proximity to other intersections.
- f) traffic modelling to assess site configuration, phasing and cycle times. This would incorporate other existing signals at nearby locations.
- g) the analysis should also include future land use patterns, plus current and future road network usage in and around the site.

18) Amend term C13 as follows:

C13 *Geotechnical Assessments*

Delete the first sentence in term C13 and insert a new sentence as follows:

In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future development application for subdivision, where relevant.

19) Amend term C15 as follows:

C15 *Open Space*

After term C15(1) insert new clauses (2), (3), (4) and (5) as follows:

- (2) Unless otherwise approved by the Director-General, the first 4ha of active open space (sports fields) are to be embellished and dedicated to council with the release of the 750th lot or the release of a subdivision certificate for Precinct 4, whichever occurs first. The provision of sports fields and sport field embellishment must be to the satisfaction of council. Subsequent sports field embellishment and dedication is to occur at the rate of 4ha per 750 lots constructed (that is, prior to the construction of the 1750th lot, 2750th lot, and 3,750th lot). No further subdivision certificates will be released beyond these thresholds until each required sports field area is embellished and dedicated in accordance with this staging schedule.
- (3) Prior to embellishment and dedication of the first 4ha of the sports field, a master plan for development of the entire 18ha sports field area must be prepared to the satisfaction of council. The master plan must address all boundary constraints to the design of the facility, including erection of field lighting, and proximity to drainage areas and fill batters, so that appropriate buffers can be provided around marked playing surfaces.
- (4) Embellishment and dedication of the first 4ha of the permanent sports field facility must be accompanied by the provision of:
 - (a) A sealed public access road (rural cross section with swale drainage as a minimum standard)
 - (b) Water and sewerage
 - (c) Electricity and telecommunications
- (5) Prior to the approval of any development for Kings Forest after Stage 1, for residential purposes an Open Space Concept Plan that addresses the hierarchy of casual open space areas (parks) to be provided throughout the project is to be prepared to the satisfaction of council. This must include consideration of the location of and facilities required for major central or district parks.
- (6) Note: This term of approval over-rides Statement of Commitment No.19.

20) Immediately after term C26, insert new terms C27, C28, C29 and C30 as follows:

C27 *Blacks Creek Rehabilitation Plan*

Prior to the making of the first development application for subdivision of the project, subsequent to Stage 1 (MP08_0194), or such other application as agreed by the Director-General (at the request of the Proponent) the Proponent must submit to the Director-General a Rehabilitation Plan for Blacks Creek. The plan is to be prepared in consultation with and to the satisfaction of the Department of Primary Industries – Fisheries and the Office of Environment and Heritage and approved by the Director-General.

Note: This term of approval over-rides Statement of Commitment No.23.

C28 *East-West Wildlife Corridors*

The development application for subdivision in Precinct 6, 7, 9 or 10 (whichever occurs first) must include a detailed Management Plan to include the precise location, restoration methodology, schedule and timing of works to be undertaken, maintenance and monitoring schedule, completion criteria and a mechanism for long-term protection of the new southern east-west corridor as required by term B4 of this approval.

C29 *Dedication of Land to Tweed Shire Council*

All future development applications for subdivision shall provide details of the land to be dedicated to Council in the future in accordance with the Council Dedicated Land Plan as required by Term B5 of this approval.

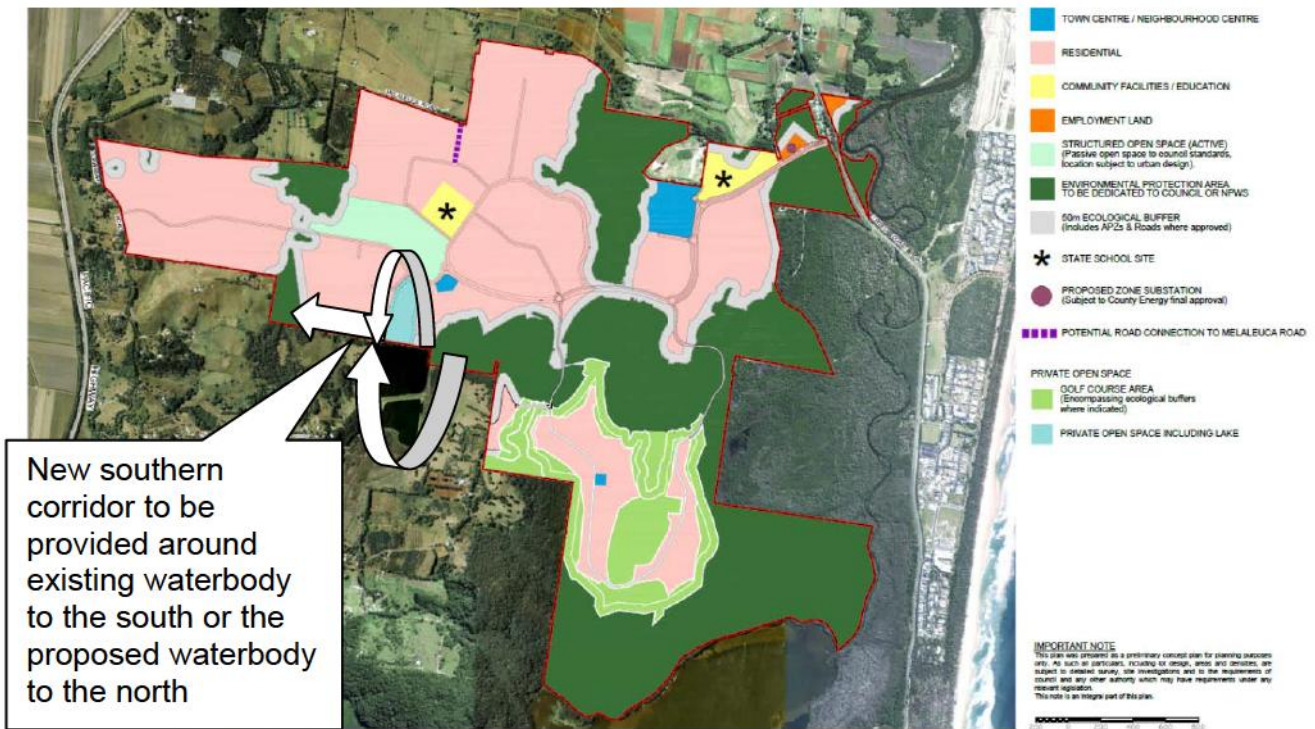
C30 *Affordable Housing*

The development application for subdivision of Precinct 7 shall provide details of how affordable housing will be provided within this precinct, in accordance with the recommendations of the Kings Forest Affordable Housing Study, Prepared for Project 28 Pty Ltd, dated December 2010 and the Preferred Project Report dated October 2012.

Note: The provision of affordable housing may be subject to the successful application for National Rental Affordable Housing Scheme (NRAS) funding.

ATTACHMENT A

EAST-WEST WILDLIFE CORRIDOR



Potential route of new southern east-west corridor, as required by modified term B4 of the concept plan approval

Project Approval

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

The Planning Assessment Commission of New South Wales (the Commission), under the instrument of delegation dated 20 May 2011, having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report determine to grant approval to the project application (08_0194) described in Schedule 1 subject to the conditions of approval in Schedule 2 and the Statement of Commitments in Schedule 3, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- 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

Sydney



Member of the Commission

11 August 2013

SCHEDULE 1

Application No.:

08_0194

Proponent:

Project 28 Pty Ltd

Approval Authority:

Minister for Planning

Land:

Kings Forest Estate
Lot 76, 272, 323 and 326 of DP 755701;
Lot 6 DP 875446;
Lot 2 DP 819015;
Lot 1 DP706497;
Lot 40 DP7482;
Lot 38A DP 13727;
Lot 38B DP 13727;
Lot 1 DP 129737;
Lot 1 DP 781633;
Lot 7 DP 875447; and,
Lot 37A DP 13727.

Project:

Kings Forest Residential Subdivision Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5, including:

- subdivision of the site into ten development lots in 4 stages;
- bulk earthworks across the site;
- roadworks comprising:
 - construction of the entrance road and associated intersection works with Tweed Coast Road;

- construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and
 - construction of two roads providing access to the southern site precincts;
 - Plan of Development for Precinct 5;
 - development of 2,036sqm of floorspace for a rural supplies building and access arrangements to Precinct 1;
 - construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5
 - subdivision of Precinct 5 into 376 residential lots comprising:
 - one townhouse lot (7,860sqm)
 - 37 terrace house lots (minimum lot size 150sqm)
 - 25 duplexes (minimum lot size 450sqm)
 - 192 zero lot dwellings (minimum lot size 240sqm)
 - 121 traditional detached dwellings (minimum lot size 400sqm)
-

DEFINITIONS

Advisory Notes	means advisory information relating to the approved project but do not form a part of this approval.
BCA	means Building Code of Australia
CEMP	means Construction Environmental Management Plan
Certifying Authority (CA)	means a person who is authorised by or under section 109D of the <i>Environmental Planning and Assessment Act 1979</i> to issue certificates.
Council	means Tweed Shire Council.
Construction certificate	means a Construction certificate for bulk earthworks or civil works unless specified otherwise.
Land to be Dedicated to Council in the Future	means the land to be dedicated to Council as identified on the Council Dedicated Land Plan
Council Dedicated Land Plan	means the 'Plan of Proposed Areas to be Dedicated to Council with Work Areas' prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D
Crown Lands	means the Crown Lands Division as part of the Department of Primary Industries or its successors.
Establishment Period	means the period commencing with the implementation of the relevant approved environmental management plan(s) and ending when the works specified in that plan meet the establishment phase performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the approval authority. The establishment period represents time necessary to carry out initial environmental repair, restoration and monitoring prior to ongoing maintenance.
Maintenance Period	means the period commencing immediately after the end of the establishment period during which environmental and monitoring works specified in the relevant approved environmental management plan(s) are to be carried out in accordance with the maintenance phase performance criteria (as defined by the relevant approved environmental management plan) to the satisfaction of the approval authority.
OEH	means the Office of Environment & Heritage or its successors.
Department	means the Department of Planning & Infrastructure or its successors.
Developer	means anyone acting on behalf of the Proponent.
Director-General	means the Director-General of the Department or his/her nominee.
Environmental Assessment	means the Environmental Assessment prepared by JBA Planning and dated November 2011, including all Appendices
Environmental Management Plan	means the environmental management plans in Appendix 10 of the Preferred Project Report 2012
EP&A Act	means the <i>Environmental Planning & Assessment Act 1979</i>
Kings Forest Development Code	means the Kings Forest Development Code approved by the Director-General of the Department of Planning on 12 December 2010 as amended by condition B6
Occupation Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act
Minister	means the Minister for Planning and Infrastructure
Offset Area	means the land proposed to be dedicated to the Office of Environment and Heritage as identified on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' prepared by Landsurv Pty Ltd dated 23 August 2012, Revision C

PCA	means Principal Certifying Authority, as defined in the <i>Environmental Planning & Assessment Act 1979</i>
Preferred Project Report 2012	means the Proponent's Preferred Project Report lodged for project application MP08_0194 and dated October 2012
Project	means the project as described in Condition A1
Proponent	means Project 28 Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i> .
RFS	means the Rural Fire Service or its successors
Site	means the land identified in Schedule 1.
Subdivision Certificate	means a certificate referred to in section 109C (1) (d) of the EP&A Act

SCHEDULE 2

ADMINISTRATIVE CONDITIONS

Project Description

A1. Project approval is granted only to:

PART ONE – SUBDIVISION OF ENTIRE SITE

- 1) Subdivision of the entire Kings Forest Estate site into ten (10) allotments (proposed Lots 1 – 10);

PART TWO – BULK EARTHWORKS AND CIVIL WORKS

- 2) Staged bulk earthworks across the site to lower site levels in Precincts 2, 4, 5, 12, 13 and 14 in order to provide fill to create development pads for the residential areas in Precincts 1 and 6 to 11 and contour the future golf course in Precincts 12, 13 and 14
- 3) Road forming works, comprising:
- a) Construction of the entrance road into the site and associated intersection works on Tweed Coast Road
 - b) Alignment and construction of Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western precincts
 - c) Alignment and part construction of two roads through SEPP14 wetland areas to access the southern development precincts and golf course

- 4) Construction of subdivision and infrastructure works along the Kings Forest Parkway and within Precincts 1 and 5

PART THREE – CONSTRUCTION OF PRECINCT 1

- 5) Construction of 2,036sqm of floorspace for a rural supplies building, including carparking and landscaping.

PART FOUR – SUBDIVISION OF PRECINCT 5

- 6) Subdivision of Lot 2 (Precinct 5) into 376 Torrens title residential development lot, three public reserve lots, eight drainage reserve and Asset Protection Zone lots, one environmental open space lot and one lot for locating the sewer pump station, in accordance with the Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan (Drawing No.34860-2_PROP, dated 5 September 2012, Revision D, Sheet 1 of 1)

Kings Forest Concept Plan

A2. The project shall be generally undertaken within the terms of the concept plan approval for the Kings Forest Estate (Major Project 06_0318) approved by the Minister on 22 December 2010 and as modified on the same date as this project approval.

Terms of Approval

- A3. The Proponent shall carry out the project generally in accordance with the:
- (a) Environmental Assessment prepared by JBA Planning dated November 2011
 - (b) Preferred Project Report prepared by Darryl Anderson Consulting dated October 2012, including Appendices 1 to 30
 - (c) Revised Statement of Commitments at Schedule 3 of this approval
 - (d) Conditions of this approval, and
 - (e) The following drawings:

Civil Drawings Prepared by Mortons Urban Solutions – Precinct 1 and 2			
Drawing No.	Revision	Name of Plan	Date
12301-SK-050	A	Kings Forest Precincts 1-5 Earthworks Phasing Diagram	29.01.13
12301-EMAW-007	C	Road Hierarchy & Staging Plan	30.08.12
12301-EMAW-	B	Sediment & Erosion Concept Plan	30.08.12

010			
12301-EMAW-030	C	Bulk Earthworks Cutfill Plan Sheet 01	27.08.12
12301-EMAW-031	C	Bulk Earthworks Cutfill Plan Sheet 02	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 3, 4 and 5			
Drawing No.	Revision	Name of Plan	Date
12301-05-007	B	Road Hierarchy and Staging Plan	27.08.12
12301-05-008	B	Indicative Staging Plan	27.08.12
12301-05-010	B	Sediment and Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Precincts 6-11			
Drawing No.	Revision	Name of Plan	Date
12301-EWB-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Civil Drawings Prepared by Mortons Urban Solutions – Golf Course Precincts 12-14			
Drawing No.	Revision	Name of Plan	Date
12301-GC-010	B	Sediment & Erosion Concept Plan	27.08.12
12301-ALL-040	F	Bulk Earthworks Cut Fill Depths	16.10.12
12301-ALL-041	B	Bulk Earthworks Sequencing Diagram	16.10.12
Subdivision Plans Prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.2013
Sheet 1 of 1	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Staging Plan Kings Forest For Stage 1 Project Application	05.09.2012

Sheet 1 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 2 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 3 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 4 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 5 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 6 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 7 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 8 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 9 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 10 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
Sheet 11 of 11	D	Plan of Proposed Subdivision of Lot 2 (Precinct 5) – Kings Forest For Stage 1 Project Application	05.09.2012
113691-LD-1f	F	Indicative Subdivision Plan Precinct 5	12 October 2012
113691-STP-10a	A	Precinct 5 Indicative Staging Plan	12 October 2012
Sheet 1 of 1	C	Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development	23.08.12
Architectural Plans Prepared by The Buchan Group – Precinct 1			
Drawing No.	Revision	Name of Plan	Date
SK001	T	Site Plan & Location Plan	21.08.2012
SK104	G	Elevation	21.08.2012
SK106	B	Elevation	21.08.2012

Inconsistencies Between Documents

A4.

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

- 3) In the event of any inconsistency between this project approval and the concept plan approval, or any other development consent over the land, the concept plan approval shall prevail to the extent of the inconsistency

Subdivision Manual

A5.

- 1) All works approved as part of this project are to be carried out generally in accordance with Council's *Development Control Plan Part A5 - Subdivision Manual* (as in force at the date of this approval) and council's relevant Development Design and Construction Specifications (as in force at the date of this approval) unless otherwise altered by the provisions of the Kings Forest Development Code.

Note: minor variations to the drawings approved in this approval may be required and approved in applications for construction certificate at the discretion of the certifying authority.

- 2) Notwithstanding condition A5(1) above, where there is any inconsistency with the Subdivision Manual, the conditions of this approval, the Kings Forest Concept Plan (06_0316) and Kings Forest Development Code, prevail to the extent of the inconsistency.

Construction Staging (Bulk Earthworks)

A6.

- 1) Bulk earthworks are to be undertaken in stages as generally described below, as per Morton's plan 12301-SK-050 Revision A, dated 29/01/13 and the Bulk Earthworks Sequencing Diagram 12301-ALL-041 Revision B, dated 16 October 2012:
 - 1) Stage 1(a) Precinct 5 (Phase 1)
 - 2) Stage 1(b) Precinct 5 (Phase 2)
 - 3) Stage 1(c) Precinct 1, Precinct 2, Kings Forest Parkway and part Precinct 4 (Phase 3)
 - 4) Stage 1(d) Precinct 5 (Phase 4)
 - 5) Stage 1(e) Precinct 4 (Phase 5)
 - 6) Stage 1(f) Precinct 4 (Phase 6)
 - 7) Stage 1(g) Precincts 6-11
 - 8) Stage 1(h) Precincts 12 – 14

Construction Staging (Civil Works)

A7. Civil works are to be constructed in stages as generally described below:

- 1) Stage 1 – Bulk earthworks and civil infrastructure – Tweed Coast Road intersection and civil infrastructure for Precincts 1 and 5
- 2) Stage 2 – Roadworks for the remainder of the Kings Forest Parkway and the roads to Precincts 12 to 14.

Subdivision Staging

A8. Precinct 5 is to be subdivided into 376 torrens title residential lots in stages as generally described below:

	Townhouses	Terraces	Duplexes	Zero-Lot Dwelling	Traditional Detached Dwelling	Totals
Stage 1	-	23	3	36	48	110
Stage 2	-	-	2	18	3	23
Stage 3	-	-	1	8	6	15
Stage 4	-	-	3	23	13	39
Stage 5	-	-	1	36	22	59
Stage 6	-	-	3	17	3	23
Stage 7	-	14	3	20	12	49
Stage 8	-	-	5	18	8	31

Stage 9	-	-	4	16	6	26
Stage 10	1	-	-	-	-	1
					TOTAL	376

Stages 1, 2 and 3 shall be undertaken first. The order of subsequent stages can be varied by the Proponent with the written approval of the Director-General.

Statutory Requirements

A9. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. 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.

Road Works

A10. All road works associated with the proposal will be at no cost to council.

Certification

A11.

- 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.

Limits of Approval

A12.

- 1) This approval does not give approval to the first use of the rural supplies building in Precinct 1, including hours of operation, car parking, access to Tweed Coast Road, retail fit out, use or signage of the building in Precinct 1. Separate development approval/s for these matters must be obtained.
- 2) This approval does not approve the removal of any heathland within the full extent of the 50 metre ecological buffers in the locations depicted as 'Heath to be Naturally Regenerated' in Figure 12 of the Buffer Management Plan for Precinct 1 & 5 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012 and Figure 9 of the Buffer Management Plan for Precincts 2-4 & 6-14 titled 'Revised Heath Regeneration and Revegetation Areas' drawn by James Warren and Associates and dated 20 August 2012. The heathland in these locations is to be protected and regenerated for the full 50m width of the ecological buffer.
- 3) This approval does not approve any bulk earthworks within ecological buffers across all precincts as depicted on Drawing No. 12301-ALL-041 Revision B, with the exception of minor encroachments into the Precinct 5 ecological buffer for the construction of stormwater management areas (bioinfiltration and vegetated swales), placement of Koala fencing, and construction of Road No. 9 in the south western corner of Precinct 5 for an area of 686m² as contained within the Proponent's Preferred Project Report 2012 and shown on the Precinct 5 Swale Sections Plan (Drawing No.12301-SK-044 Amendment C dated 15 August 2012) and Road Reserve / Buffer Interface Plan (Drawing No.12301-SK-046 Amendment A dated 17 August 2012).
- 4) This approval does not give approval to any bulk earthworks in Precinct 3. Separate approval(s) for these works must be obtained from council if required by the EP&A Act 1979.
- 5) This approval does not give approval for any transport of fill sourced within the land that is the subject of the approval to other land.

Management and Maintenance of Environmental Lands

A13. The Proponent is responsible for the management of all land to be dedicated to Council in the future and the Offset Areas for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans from the date of the Stage 1 project approval (08_0194), until such time that an agreement is reached with OEH and/or Tweed Shire Council regarding the dedication of that land.

Prescribed Conditions

A14. The Proponent shall comply with all relevant prescribed conditions of the project approval under Part 6, Division 8A of the Regulation.

Director-General as Moderator

A15. 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.

Legal Notices

A16. Any advice or notice to the approval authority shall be served on the Director-General.

Lapsing of Approval

A17. 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.

PART ONE – SUBDIVISION OF ENTIRE SITE

Subdivision of Kings Forest Estate

1.

- 1) The Proponent shall subdivide the entire site prior to commencing any bulk earthworks across the site. The subdivision at this stage shall be generally in accordance with the following plans:

Plan of Subdivision prepared by Landsurv Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 2 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 3 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 4 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13
Sheet 5 of 5	E	Plan of Proposed Staged Subdivision Kings Forest Development For Stage 1 Project Application	05.02.13

- 2) The subdivision shall create the following new allotments:

Proposed Lot	Proposed Use	Area
Lot 1	Precinct 1 – rural supplies development	2.368 ha
Lot 2	Precinct 5 – residential development and part of Kings Forest Parkway	41.28 ha
Lot 3	Environmental protection areas to be dedicated to NPWS (including roads proposed to be closed)	180.6 ha
Lot 4	Environmental protection areas to be offered to TSC for dedication	5.18 ha
Lot 5	Environmental protection areas to be offered to TSC for dedication	4.686 ha
Lot 6	Regional sewer pump station	396m ²
Lot 7	Precincts 2, 3 and 4	36.94 ha
Lot 8	Road to southern precincts	1.119 ha
Lot 9	Part of Kings Forest Parkway and road to southern precincts	3.967 ha
Lot 10	Precincts 6 to 14	592.2 ha

Registration of Easements / Restrictions to Use / Rights of Carriageway

2.

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable to the subdivision of the entire Kings Forest Estate under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property
 - b) Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c) Easements for existing and proposed powerlines benefiting the energy supplier to allow access for maintenance purposes

- d) An easement over the existing 600mm water main across Precincts 12, 13 and 14 registered on title over the location of the main. The 88B is to benefit council and contain a provision enabling the easement to be revoked, varied or modified only with the consent of council.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of council
- 3) Pursuant to Section 88BA of the *Conveyancing Act 1919* 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 for costs to be shared equally or proportionally on an equitable basis.

Environmental Offset Areas

- 3. Within 3 months of the date of this approval, or as otherwise agreed with the Director-General, the Proponent shall:
 - a) engage a registered surveyor to prepare a survey plan(s) and permanently mark the boundaries of the land to be dedicated to Council in the future and the Offset Area;
 - b) where relevant, submit amended plans of proposed subdivision to the Director-General for approval that show the land to be dedicated to Council in the future and the Offset Area as separate lots;
 - c) ensure that the boundaries marked by the surveyor remain marked at all times in a permanent manner that allows operating staff, the landowner and inspecting officers to clearly identify those boundaries; and
 - d) submit for the Director-General's approval, a form of dealing(s) to be registered on the title to the land to be dedicated to Council in the future and the Offset Area that must:
 - i. bind all future landowners;
 - ii. provide for the management of the land to be dedicated to Council in the future and the Offset Area for conservation purposes including the implementation of relevant Environmental Management Plans, in perpetuity;
 - iii. permit access to the land to be dedicated to Council in the future and the Offset Area by the Department, the OEH and Council at all times for the purpose of monitoring compliance with relevant covenants and the Environmental Management Plans; and
 - iv. provide for a release of any registered dealings in circumstances where all or part of the land to be dedicated to Council in the future or the Offset Area are transferred to a public authority.
 - e) Where land to be dedicated to Council in the future or the Offset Area is not subject to any amended plans of subdivision, the Proponent must within 1 month of the Director-General's approval of the dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the land to be dedicated to Council in the future or the Offset Area and provide to the Director-General evidence of such registration within 10 days of the dealing(s) being registered.
 - f) Where land to be dedicated to Council in the future or the Offset Area is subject to any amended plans of subdivision, the Proponent must within 3 months of the later of the Director-General's approval of the amended plans of subdivision under condition 3(1)(b) or the Director-General's approval of dealing(s) referred to in condition 3(1)(d), lodge for registration the dealing(s) on the relevant titles to the land to be dedicated to Council in the future or the Offset Area to the Director-General evidence of such registration within 10 days of the dealing(s) being registered.

PART TWO – BULK EARTHWORKS AND CIVIL WORKS (ALL PRECINCTS)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Pre-Construction Dilapidation Report

- 4. The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1 bulk earthworks. A copy of the report is to be forwarded to the department and council.

Earthworks Prohibited in Ecological Buffers

- 5. Prior to the issue of the first construction certificate for bulk earthworks, all civil works drawings shall be amended and submitted to the department for approval. The amended plans must clearly demonstrate that there will be no earthworks activities in the full 50 metre width of the ecological buffers anywhere

across the site, with the exception of Precinct 5, as outlined in Condition A12 above and Roads 9, 10 and 23 that traverse the ecological buffers to access the southern and western precincts.

Construction Compliance Bond

6. Prior to the issue of the first construction certificate for Civil Works, 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 Civil Works as set out in council's fees and charges at the time of payment. The bond may be called up at any time for the payment of the cost of either or both of the following non compliances with the conditions of approval:
- a) Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the approval relates;
 - b) Completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the approval.

Long Service Levy

7. In accordance with Section 109F(1b) of the Act, 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.

EARTHWORKS

Heavy Haulage Component

8. Payment of a contribution pursuant to Section 94 of the EP&A Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 6.01.1 (as in force at the date of this approval) is required prior to the issue of the first subdivision certificate.

Staging of Bulk Earthworks

9. Staging of the bulk earthworks shall be in accordance with the following:
- a) A Construction Certificate application for Bulk Earthworks shall be lodged for each of the proposed 8 (eight) sequences or stages for the earthworks as detailed in the bulk earthworks drawings numbers 12301-ALL-041 Revision B prepared by Mortons Urban Solutions dated 16 October 2012.
 - b) An earthworks phasing diagram shall be submitted with each application for a construction certificate for bulk earthworks to define maximum exposed areas.
 - c) A detailed construction management strategy is to be provided for each sequence/stage of the bulk earthworks, identifying how the site and earthworks are to be programmed and managed.
 - d) Bulk earthworks for the site are to be limited to a maximum exposed disturbed area (that has not been permanently vegetated) not exceeding a maximum of 5ha at any time to reduce exposed areas, unless otherwise approved by the Director-General at the request of the Proponent.
 - e) Bulk Earthworks Sequence 9 is to be further managed by being broken down into smaller maximum exposed areas, no greater than 5ha.
 - f) Notwithstanding d) above, the Kings Forest Precinct 1-5 Earthworks Phasing Diagram dated 29 January 2013 Revision A is approved subject to the following modifications:
 - i. Phase 1 shall be further broken down into two phases with a maximum exposed area no greater than 5.5ha.
 - ii. Phase 2 shall be broken down into two phases with a maximum exposed area no greater than 9ha.
 - iii. Phase 3 shall be broken down into two phases with a maximum exposed area no greater than 7ha.
 - iv. Phase 6 shall be broken down into two phases with a maximum exposed area no greater than 9ha.
 - g) Works are to be topsoiled, mulched and seeded within 7 days after completion to protect the exposed areas from water and wind erosion.

Plans of Bulk Earthworks

10. The Proponent shall submit the following plans and specifications with an application for construction certificate for the Bulk Earthworks:
- a) Natural and finished development levels (spot levels and contours) clearly detailed with a legible scale.
 - b) Sediment and erosion control plans
 - c) Geotechnical compliance

- d) Planting/hydromulching for short term and long term batter slopes
- e) An earthworks phasing diagram that defines maximum exposed areas
- f) Maximum batter slopes shall be consistent with the recommended maximum batter slopes for stability in the geotechnical report titled "Geotechnical Investigation proposed residential subdivision Depot Road Kings Forest" prepared by Cardno Bowler dated 7 April 2011.
- g) Areas in which the natural slope exceeds 25%, a qualified geotechnical engineer is to provide further advice in relation to cut / fill construction for the bulk earthworks.
- h) A shake down area along the haul road immediately before the intersection with the road reserve.
- i) Compliance with the provisions of Council's Design Specification D6 – Site regarding.
- j) Measures to be implemented during bulk earthworks operations to ensure the existing 600mm trunk water main is protected.

Bulk Earthworks Geotechnical Compliance

11. Each stage shall be preceded by an endorsement of detailed earthworks design plans by a practising geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the Geotechnical Report prepared by Cardno Bowler titled Geotechnical Investigation proposed subdivision Depot Road, Kings Forest dated 7 April 2011.

Retaining Walls

12. Any retaining walls and/or shoring must be designed and installed in accordance with appropriate professional standards and the relevant requirements of council's Development Design Specification D6 – Site Regrading (as in force at the date of this approval), the BCA and Australian Standards. Details of proposed retaining walls and/or shoring are to be submitted to and approved by the certifying authority prior to commencing such excavations or works.

Compressible Clay Material in Precincts 11, 12 to 14

13.
 - 1) Areas of compressible clay material in Precincts 11, 12-14 (Bulk Earthworks Sequences / Stages 3 & 4) are to be to the satisfaction of a practicing geotechnical engineer.
 - 2) No filling is to occur in these areas until certification is provided by a practicing geotechnical engineer. The certification is to state that no settlement will occur and the proposed areas are capable of being developed without the need for special construction techniques. Settlement plate information is to be provided with geotechnical certification from a qualified geotechnical engineer to validate that settlement has terminated.

Cut and Fill Levels

14. Cut and fill levels for each stage within the project are to be generally in accordance with the Bulk Earthwork Cut and Fill Level Diagram 12301-ALL-040 Revision F prepared by Mortons Urban Solutions dated 16 October 2012. Cut and fill is not approved in the full 50m width of all ecological buffers, as specified in Condition A12(3).

Site Regrading

15. Site regrading undertaken for all stages of the project must be undertaken in accordance with council's Development Design Specification D6 – Site Regrading (as in force at the date of this approval). Evidence of compliance with this specification must be provided to the Certifying Authority for approval (by way of engineering plans) prior to issue of the construction certificate for each stage of the project.

Heavy Haulage Management Plan

16.
 - 1) A revised haulage management plan is to be provided for the proposed importation of 320,000m³ of fill to the site. The management plan is to include:
 - a) Alignment of the haulage route
 - b) Documentation to demonstrate that the alignment and width of the road network is suitable for a truck and/or trailer combination travelling at the prevailing speed environment for the road
 - c) Pavement testing results and corrective actions where necessary
 - d) Time frame for the proposed haulage of material
 - e) Source of fill material
 - f) Certification from a practicing geotechnical engineer that the material is suitable for the intended purpose prior to the commencement of filling works for each stage of the subdivision involving imported fill. 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.
 - g) Address impacts on the surrounding road network and residents
 - h) Applicable environmental management measures

- i) Traffic control plan prepared by a suitably qualified person
 - j) An assessment of the impacts of noise, dust and community safety on adjoining land uses along the proposed haul route.
 - k) The management plans should also include an assessment of alternative haul route options.
- 2) The haulage management plan is to be provided when the importation of fill material is required and is to be lodged with the application for a Construction Certificate (bulk earthworks) for sequence / stage 9 as detailed on drawing number 12301-ALL-050 (A) titled 'Bulk Earthworks sequencing diagram sequence 9 detail sheet' prepared by Mortons Urban Solutions dated 24 August 2012.

Acid Sulfate Soil Management Plan

17.

- 1) Where soil testing prior to the commencement of construction identifies the presence of acid sulphate soils, a detailed **Acid Sulfate Soil Management Plan** shall be prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be prepared in consultation with the NSW Office of Water and submitted to the Certifying Authority prior to the issue of a construction certificate for Stage 1 bulk earthworks.
- 2) The Plan must be consistent with the Kings Forest Stage 1 Management Plan.

Contamination

18. A Site Audit Statement prepared by an accredited NSW Site Auditor appointed under the provisions of the *Contaminated Land Management Act 1997* shall be provided to the certifying authority certifying the suitability of the subject land, being Precincts 1, 5 and subdivision and infrastructure works associated with Stage 1, for the intended purposes.

WATER MANAGEMENT

Groundwater Management – Licensing Requirements

19. The Proponent must obtain all relevant licences under the *Water Act 1912* and the *Water Management Act 2000* (whichever is relevant at the time the application is made) for all activities that intercept or extract groundwater and surface water, including constructed ponds/wetlands/lagoons.

Integrated Water Cycle Management Plan

20. The Proponent shall engage a suitably qualified person to prepare a revised **Integrated Water Cycle Management Plan** for the whole site, to be submitted to the satisfaction of the PCA prior to the issue of a construction certificate for Stage 1 civil works. The Plan shall be prepared generally in accordance with the Integrated Water Cycle Management Plan contained in the PPR, and shall include, but not be limited to the following:
- 1) Engineering designs for stormwater, drainage and water sensitive urban design measures at the site, including rainwater tanks, infiltration systems, vegetated swales, bioretention trenches, pervious parking areas and constructed wetlands.
 - a) Water Sensitive Urban Design measures are to be designed in accordance with the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Healthy Waterways)* and *Council's Development Design Specification D7 - Stormwater Quality*.
 - b) Stormwater mitigation measures shall be designed to comply with section 120 of the *Protection of the Environment Operations Act 1997* to prohibit the pollution of waters from the operation of the Project.
 - c) The design of any constructed wetland must be in accordance with any Harvestable Right Order published under Section 54 of the *Water Management Act 2000*.
 - d) All water quality treatment and/or detention devices that are constructed below the water table must be lined (clay or geo-fabric) to minimise the hydraulic connection with the surrounding groundwater system.
 - 2) Hydrology and hydraulic calculations based on models described in the current edition of *Australian Rainfall and Runoff*.
 - 3) A maintenance plan for all stormwater mitigation measures including Water Sensitive Urban design to be maintained to their design specifications into perpetuity.
 - 4) The Plan must be consistent with the Kings Forest Stage 1 Management Plan.

Stormwater Management

21.

- 1) An all weather maintenance access track shall be provided alongside the Kings Forest biofiltration swale to ensure maintenance activities can occur without disruption to road users. This track must be retained until such time that Kings Forest Parkway is upgraded to a 4 lane layout.
- 2) All plantings in biofiltration areas must be included in detailed landscaping plans, with requirements relating to bushfire protection taking precedence where they are located within APZs.
- 3) The interim water quality criteria / discharge criteria for aluminium be revised downward to reflect the ANZECC guideline method.
- 4) The maximum concentration of suspended solids that may be discharged under controlled conditions from the site in stormwater during construction and operational phases shall be derived in accordance with the ANZECC method of determination.
- 5) Water quality at proposed surface water quality monitoring sites SW1 - SW7 is to be monitored and reported on in accordance with water quality objectives set for the Tweed Catchment by the NSW Office of Environment and Heritage as follows:

Parameter	Unit	Objective as per NSW Office Environment and Heritage
pH	pH units	Freshwater 6.5 - 8.5 Estuary 7 - 8.5
Dissolved oxygen	mg/L	80 - 100% saturation
Turbidity	NTU	0.5 - 10 NTU
Total phosphorous	mg/L	0.03 mg/L
Total nitrogen	mg/L	0.3mg/L
Chlorophyll a	ug/L	<4

Flood Management

22.

- 1) Each stage of the development must be designed to ensure that the flood management (including evacuation measures to ground above the Probable Maximum Flood) arrangements for the site (as it relates to the relevant stage of the project) is consistent with the Flooding and Flood Management Assessment prepared by Gilbert & Sutherland dated June 2011, the Preliminary Flood Assessment prepared by Gilbert & Sutherland dated December 2012 and the NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010 or successive documents.
- 2) Compliance with the requirements of part 1) of this condition must be certified by a suitably qualified hydrology/hydraulic engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate for Stage1 bulk earthworks.

ROADS AND TRAFFIC

Road Design

23.

- 1) Kerb and gutter (kerb/edge restraint on one way cross fall roads) 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) The design of all roads shall be consistent with the Stage 1 Project Application Road Hierarchy (Plan No. 06) prepared by RPS dated 23 August 2012 and the Stage 1 Project Application Precinct 5 Road Network plan (Plan No. 15) prepared by RPS dated 29 August 2012, except where amended by this condition.
- 3) 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 civil works for each stage of the project.
- 4) Construction of all roads must be to an urban, asphalt road formation to Council's Development Design Specification D1 – Road Design.
- 5) All landscaping indents along Kings Forest Parkway for the entire proposed length from Tweed Coast Road through to proposed Road 9, that reduce the pavement width to less than 9m shall be removed or reduced in size such that the road carriageway may be constructed to a minimum pavement width of 9m.

- 6) Kings Forest Parkway road carriageway is to be constructed to a minimum pavement width of 9m from the entry with Tweed Coast Road through to proposed Road 9. These details are to be provided on an application for a Construction Certificate.
- 7) All proposed roads (laneways) shall provide a minimum pavement width of 6m.
- 8) Access roads are to have a minimum horizontal curve radius of 10m for access roads and 15m for neighbourhood collector roads to eliminate sharp curves.
- 9) All batter slopes for road embankments greater than 1:4 are to be planted. The planting details are to be shown on a landscaping plan prepared by a suitably qualified person.
- 10) Details of fauna exclusion fencing and underpasses for roads traversing Environmental Protection Areas are to be provided to the Director-General for approval prior to the issue of a construction certificate for bulk earthworks in the southern and/or western development precincts. This may include temporary fencing and underpasses during the construction phase.

Regulatory Signage

24. All traffic regulatory signage and line marking is to be in accordance with the Australian Standard 1742.13-5009, Manual of Uniform Traffic Control Devices and the Roads and Maritime Services NSW signage guidelines, including supplements to AS1742 for each stage of the subdivision.

Cycleways/Footpaths

25.
 - 1) 2.5m wide reinforced concrete cycleways are to be provided as per drawing number 12301-05-008 (B) titled "Indicative Staging Plan" prepared by Mortons Urban Solutions dated 27 August 2012. All cycleways are to be designed in accordance with council's standard drawing 'Footway and Cycleway Details' SD013, May 2004.
 - 2) A 2.5m wide reinforced concrete cycleway is to be provided through Precinct 5 connecting the Kings Forest Parkway cycleway and the eastern perimeter cycleway, via the central park.
 - 3) A 2.5m wide reinforced concrete cycleway is to be provided on the Western side of Tweed Coast Road from the proposed entry on Kings Forest Parkway, linking into the existing 2.5m wide shared user path at the Cudgen Creek bridge, prior to the release of the first residential. A contribution credit is to be applied against the council's Section 94 Plan No.22 – Cycleways for construction of this cyclepath.
 - 4) A reinforced concrete footpath 1.2m wide is to be constructed on a compacted base on all roads, except laneways in accordance with council's standard drawing 'Footway and Cycleway Details' SD013, May 2004.

Intersections

26. A two lane roundabout shall be constructed in general accordance with Mortons Urban Solutions Drawing Number 12301-EMAW-101 (Amendment D) at the intersection of Tweed Coast Road and the Kings Forest Parkway prior to the release of the first residential lot in Precinct 5 or the development of Precinct 1.

Old Bogangar Road Access

27.
 - 1) Detailed design of the proposed intersection between the Old Bogangar Road service road and Tweed Coast Road, endorsed by the Director of Engineering and Operations of Tweed Shire Council (the Road Authority), shall be provided to the satisfaction of the Director-General within 12 months of the date of this approval.
 - 2) The detailed design shall take into account the proximity of, and access arrangements at, the Kings Forest Parkway / Tweed Coast Road intersection, and the Precinct 1 access driveway, incorporating the relevant specifications of AUSTROADS, Roads and Maritime Services, and Standards Australia.
 - 3) Options to be considered to achieve compliant intersection arrangements shall include (but not be limited to):
 - a. Relocation of the Precinct 1 driveway to create a four-way intersection with old Bogangar Road;
 - b. Appropriate intersection treatment of the four-way intersection created by (a);
 - c. Provision of U-turn facilities on Tweed Coast Road;
 - d. Connection of Old Bogangar Road to Kings Forest Parkway.
 - 4) Individual and adjacent intersection modelling be provided to ensure all movements achieve adequate levels of service, queue lengths and time delays, to the satisfaction of the Road Authority.
 - 5) Any preferred option that requires the realignment of Old Bogangar Road from its existing connection to Tweed Coast Road requires stakeholder consultation and separate planning approval from Council.

- 6) The detailed design shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.

Intersection Design

28.

- 1) Final intersection design plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for relevant civil works for the following intersections:
 - a) Tweed Coast Road and Rural Retail Access (Precinct 1)
 - b) Tweed Coast Road and Kings Forest Parkway
 - c) Town Centre Access and Kings Forest Parkway
 - d) Residential Precinct 5 access and Kings Forest Parkway
 - e) Access Roads to southern precincts and Kings Forest Parkway

Advisory Note: Detailed design of (a) and (b) shall be submitted to Council with an application under s138 of the Roads Act 1993 for approval prior to the issue of a construction certificate for any works on a public road.

Depot Road Access and Services

29.

- 1) Closure of the Depot Road road reserve and the existing access to the Depot Road sports fields site shall not occur until an alternative access road capable of supporting the continued development and future use of the sports fields is provided, and the road reserve is dedicated to Council. The alignment of the access to the Depot Road sports fields site shall be compatible with the concept layout for the proposed sports fields, taking into account boundary constraints, vegetation mapping, current consents and future infrastructure servicing needs, including water, sewerage, telecommunications, and electricity, to the satisfaction of council.
- 2) The design of the Kings Forest water, sewerage, electricity and telecommunications networks adjacent to the Depot Road sports fields must provide adequate capacity for the future connection of this site by council.

UTILITIES

Water Supply and Sewerage Strategy

30. Prior to the issue of a Construction Certificate for civil works the Proponent shall engage a suitably qualified person to prepare a detailed Water Supply and Sewerage Strategy for the whole site in consultation with and to the satisfaction of Council.

Water & Sewer

31.

- 1) Reticulated water supply and outfall sewerage reticulation shall be provided to all lots within the project in accordance with council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications (as in force at the date of this approval).
- 2) A sewer conveyancing design report shall be submitted for all sewer pump stations and rising mains proposed to be constructed in the project. The study will include staging of pumps and mains, odour and septicity issues, interaction of future pump stations that may share the rising mains and controls for variable speed pumps that may be recommended. The sewer conveyancing design report is to be provided prior to the issue of a Construction Certificate for civil works relating to water and sewer.
- 3) A water supply network model study of the water reticulation within Precincts 1 and 5 shall be submitted to Council for approval as required by Council's Development Design Specification D11 (as in force at the date of this approval) prior to the issue of a construction certificate for civil works relating to water and sewer.
- 4) Prior to the issue of a construction certificate for any stage of the civil works in Precinct 5 and Precinct 1 the Proponent must prepare a detailed network analysis and plans for water and sewer reticulation infrastructure. The analyses must be prepared in accordance with council's Development Design Specification D11 and D12 (as in force at the date of this approval) respectively.

Zone Substation

32. The final location of the new zone substation must be approved by Essential Energy prior to the issue of a Construction Certificate for civil works.

Protection of Existing Assets

33. Prior to the issue of a construction certificate for bulk earthworks the Proponent is to provide documentary evidence that an easement five (5) metres wide and centrally located over the existing 600mm trunk water main has been created in Lots 76 and 272 on DP755701.

BUSHFIRE

Bushfire Risk Management Plan

34. The Bushfire Risk Management Plan (BRMP) shall be amended to address the following:
- 1) Co-operative relations between neighbours to minimise the potential for wildfires and work towards fire frequencies and intensities that do not impact on Koala populations
 - 2) Management actions required for future ongoing fire related Koala management in environmental protection zones.
 - 3) The revised BRMP shall be endorsed by OEH prior to the issue of a construction certificate for civil works.

LANDSCAPING

Landscape Plan

35. A revised **Landscape Plan** by a qualified landscape architect must be submitted for all areas of casual open space, structured open space, cycleways, pedestrian walkways, fauna crossings, vegetated stormwater treatment facilities, and streetscapes to be dedicated to council. Such a plan must be approved by council prior to the issue of a Construction Certificate for Stage 1 bulk earthworks. The Plan shall:
- 1) Include a planting schedule. Species selection shall be limited to locally occurring native species.
 - 2) Include embellishments that do not exceed the requirements of council's Subdivision Manual (Section A5 of the Tweed Development Control Plan) (as in force at the date of this approval) and Development Design Specification (D14) (as in force at the date of this approval) and related Standard Drawings (as in force at the date of this approval) and include grassing, landscaping, seating, playground equipment and shade cover.
 - 3) Address the standard and extent of streetscaping such that it will not place undue maintenance requirements on Council following the establishment period. This includes elimination or redesign of any streetscaping features such as median and roundabout plantings, which require the closure of traffic lanes in order for workers to carry out routine maintenance in a safe manner; the size and location of large trees in relation to stormwater facilities and underground services; and the number and location of garden beds in road reserves.
 - 4) Include details showing the final drainage, edging, paving, surface finishes, retaining wall and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
 - 5) Comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
 - 6) Include details showing how all landscaping elements under the plan shall be maintained in accordance with the Plan into perpetuity.
 - 7) Be consistent with the Landscape Plan for Precinct 1 and the Stage 1 Statement of Landscape Intent.
 - 8) Be compatible with the Kings Forest Stage 1 Management Plan.

Landscaping

- 36.
- 1) Any playgrounds included in landscape plans must comply with the guidelines established in the 'Playground Audit for Tweed Shire Council' (July 2009), particularly in relation to nearby hazards and mitigation measures.
Note: New subdivisions designed after development of these guidelines must ensure no playground facility has a Facility Risk Rating exceeding 13 as defined in Table 3A7 of that document.
 - 2) No estate signage or entry statement embellishments are permitted on public land or publicly owned assets unless the Proponent pays to Council a bond (based on the estimated cost of removing the facilities) for the cost of removal after a period of time agreed to by the asset owner.
 - 3) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 15° or steeper, such slopes shall be densely planted in accordance with a detailed landscaping plan. Such plan to accompany the Construction Certificate application. Such plans shall generally incorporate the following and preferably be prepared by a landscape architect:
 - a. Contours and terraces where the height exceeds 1m.
 - b. Cover with topsoil and large rocks/dry stone walls in terraces as necessary.

- c. Densely plant with appropriate native species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
- d. Mulch heavily (minimum 100mm thick) preferably with unwanted growth cleared from the estate and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

MONITORING

Baseline Monitoring

37.

- 1) Prior to the issue of a construction certificate for bulk earthworks, the Proponent must demonstrate to the satisfaction of the department that all baseline monitoring has commenced in accordance with the relevant Environmental Management Plans, including the following:
 - a. Flora and Fauna Monitoring Report
 - b. Groundwater Management Plan
 - c. Overall Water Management Plan
 - d. Stormwater Management Plan
- 2) The Proponent must ensure that all monitoring bores and works that intersect groundwater are licensed, if relevant, from the NSW Office of Water.

ENVIRONMENTAL MANAGEMENT

Drain Maintenance Management Plan

38. The following revisions are to be made to the Drain Maintenance Management Plan (DMMP), to the satisfaction of the NSW Office of Water and the OEH:

- 1) The implementation schedule of the DMMP shall be revised to include specific map references to identify the area of works for each action
- 2) The Plan must be consistent with NSW Office of Water's *Guidelines for riparian corridors on waterfront land* (July 2012) and *Guidelines for Controlled Activities*.
- 3) The use and/or maintenance of existing and proposed roads within 40 metres of any watercourse must be carried out consistently with the *Guidelines for Controlled Activities*.
- 4) The methodology for determining the proposed maintenance requirements shall be included in the revised Plan.
- 5) Details of a monitoring program and methodology for determining 'significant silt deposits' should be provided.
- 6) Any trails adjacent Blacks Creek that are proposed to be maintained for the purpose of the DMMP must be clearly identified and excluded from Offset Lands identified for transfer to OEH as additions to Cudgen Nature Reserve.

Environmental Management Plans

39.

- 1) All Environmental Management Plans shall be revised to address management actions to be undertaken throughout the life of the project as relevant to the development precincts that the plan covers. This includes a detailed set of agreed establishment and maintenance phase performance completion criteria, ongoing monitoring and an annual maintenance schedule of works following the initial establishment period. This includes the following plans:
 - a. Flora and Fauna Monitoring Report
 - b. Buffer Management Plan
 - c. Vegetation Management Plan
 - d. Koala Plan of Management
 - e. Feral Animal Management Plan
 - f. Weed Management Plan
 - g. Threatened Species Management Plan
- 2) Performance criteria for all management plans are reviewed to ensure they are specific to each precinct and action, measurable, achievable, relevant and timely
- 3) The implementation schedule of all Environmental Management Plans shall be revised to include the following details as relevant to the precincts that the plan covers:
 - a. Actions that are specific to the precinct for which they are addressing
 - b. Specific map references to identify locations of works for all actions
 - c. Total areas to be planted (m2)
 - d. Planting density (per m2)
 - e. Number of permanent signs to be erected and maintained
 - f. Total areas for weed management activities (m2)

- g. Length of any fencing (temporary and permanent)
- h. Total areas for heath regeneration and revegetation (m2)
- i. Locations and areas (m2) of proposed threatened species habitat
- j. Timing and frequency of actions
- k. Monitoring requirements (frequency) that are specific to the action

Vegetation Management Plans

40.

- 1) The Works Schedule of all Vegetation Management Plans shall be amended to include "Assisted natural regeneration" as the preferred Proposed Measure for Works Areas 2, 13 and Additional Work Areas and wherever significant natural regeneration is occurring within the EPZ and/or ecological buffer areas. This approach should be adopted in preference to revegetation or rehabilitation programs, incorporated as a guiding principle in the Statement of Commitments and relevant plans.
- 2) The final Vegetation Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Buffer Management Plans

41.

- 1) Figures 10 and 10A to 10L shall be revised as necessary to ensure that spatial overlap of heath revegetation, Koala food tree planting and Wallum Sedge Frog compensatory habitat is minimised.
- 2) Tree plantings are to be minimised in areas that are identified as naturally regenerating.
- 3) The final Buffer Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Weed Management Plans

42.

- 1) The Weed Management Plans shall be amended to ensure that the control of weeds (including Slash Pine) within environmental protection zones, including the Cudgen Nature Reserve, should be undertaken utilising bush regeneration techniques including stem injection.
- 2) The final Weed Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Threatened Species Management Plans

43.

- 1) Proposed "melon hole" creation shall not be permitted in Acid Frog Compensatory Areas 5, 6, 7 and 8. Details of alternative offsetting arrangements for the loss of Wallum Froglet Habitat across the site must be included in the final Threatened Species Management Plan.
- 2) Tree plantings are to be minimised in areas that are identified as naturally regenerating.
- 3) The species list in Appendix 3 of the Threatened Species Management Plan – Precincts 1 and 5, James Warren & Associates, August 2012, for restoration works within the Precinct 1 ecological buffer shall be revised to demonstrate that species used in restoration works within and adjacent to the Littoral Rainforest within Precinct 1 to include only those species known from the patch or other locally-occurring rainforest species.
- 4) Details of whether and how the proposed removal of sediment from Blacks Creek may impact upon threatened wetland bird species (black necked stork, black bittern) must be included in the Plan, including any proposed mitigation measures.
- 5) The final Threatened Species Management Plans shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Feral Animal Management Plan

44.

- 1) The implementation schedule of the Feral Animal Management Plan shall be revised to include the following details as relevant to the Precincts that the plan covers::
 - a. Estimated number of resources required for trapping activities, capture activities and habitat removal activities
 - b. Estimated resources required for monitoring actions
- 2) The Feral Animal Management Plan is to be revised to include mitigation and management actions for the control of Biting Insects, and consistent with Section A6 Biting Midge and Mosquito Controls of the Tweed DCP 2008.

- 3) The final Feral Animal Management Plan shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Koala Plan of Management

45. The Koala Plan of Management shall be revised as follows:

- 1) A revised offset strategy for the loss of Koala food trees incorporating the following:
 - a. the restoration and planting of Koala food trees offsite (a 27ha area of land has been nominated by OEH and identified in Map 1. (attached)).
 - b. planting of Koala food trees in the new east-west corridor as required by Term B4 of the concept plan approval
 - c. planting of Koala food trees in other suitable locations across the site should commence within one month of the revised KPOM being approved.
 - d. Koala food tree plantings are to be minimised in areas that are identified as naturally regenerating
- 2) The revised KPOM approval shall include details of the Koala food tree planting schedule with numbers and staging and be prepared in consultation with Council and submitted to the Director-General for approval within 6 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Koala Infrastructure

46.

- 1) Any roads through the environmental areas of the site must include:
 - a. fencing on both sides of the road of a design that will prevent the crossing by dogs and koalas;
 - b. fauna underpasses installed at intervals sufficient to allow unimpeded movement by wildlife including koalas across roads. Such fencing and underpasses within Environmental Protection Areas are to be constructed prior to the commencement of bulk earthworks in the southern and/or western development precincts.
- 2) Precinct 1 and 5 fauna exclusion fencing must be integrated with fencing at Tweed Coast Road. Such fencing is to be constructed at the completion of bulk earthworks.
- 3) The design and precise location of fauna exclusion fencing must ensure that the buffer area available to fauna is maximised and makes provision for a functional maintenance zone each side of the fencing in order to allow sufficient room for replacement and maintenance of the infrastructure.
- 4) Precinct 1 fauna exclusion fencing should be sited at the outer edge of the 50m ecological buffer.
- 5) Signage shall be erected in strategic locations within Precincts 1, 2, 3, 4 and 5, such as in the public open space areas within Precinct 5 and at fauna underpasses, advising residents that Koalas are active in the area and dogs should be kept on a leash at all times and encourage residents to keep dogs in enclosed yards between the hours of 6pm and 6am.
- 6) Erection of permanent vandal proof signs shall be erected at regular intervals to inform people about the purpose of the Koala exclusion fencing and the importance of maintaining the fence.

Flora and Fauna Monitoring Report

47. The Flora and Fauna Monitoring Report (FFMR) should be revised to the satisfaction of OEH as follows:

- 1) The FFMR framework should be revised to ensure that monitoring of impacts in relation to threatened wetland bird species (black-necked stork, black bittern) takes suitable account of any measures proposed in relation to drainage maintenance of Blacks Creek.
- 2) Table 4 – Threatened Fauna shall include the requirement to report fauna monitoring results to Council and OEH
- 3) The discussion of methodology in relation to monitoring of Koala should be more fully developed than that provided in Table 5 and Section 5.3, to the satisfaction of OEH
- 4) The monitoring of impacts in relation to threatened wetland bird species (Table 12) should take suitable account of any measures proposed in relation to drainage maintenance of Blacks Creek, and be consistent with actions specified in the Drain Maintenance Management Plan and Threatened Species Management Plans.
- 5) The results of all monitoring of feral animals (Table 13) shall be additionally reported to OEH to assist in efforts to co-manage any feral animal problems on and adjacent to the site.
- 6) The final Flora and Fauna Monitoring Report shall be prepared in consultation with Council and submitted to the Director-General for approval within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Summary of Management Plans

48. The Summary of Management Plans (SOMP) shall be revised to ensure consistency with all relevant management plans to the satisfaction of the Director-General within 12 months of this approval or prior to issue of any construction certificate, whichever occurs first.

Environmental Audit Reports

49.

1. Within 3 months of the establishment phase performance criteria specified in all relevant Environmental Management Plans being met for each part of the land to be dedicated to Council in the future, the Proponent must submit to the Director-General for approval, an environmental audit ("Initial Audit") for each part of the Council Dedicated Land to confirm that the all establishment phase performance and any relevant maintenance phase criteria have been met. The Initial Audit(s) must be prepared by a suitably qualified independent environmental consultant, reviewed by Council and approved by the Director-General.
2. Within 3 months after each of the first and third anniversaries, and then subsequently every 2 years, of the Director-General's approval of the Initial Audit(s) for each part of the Council Dedicated Land, the Proponent shall submit to Council for review, and the Director-General for approval, environmental audits prepared by a suitably qualified independent environmental consultant. Those environmental audits must review the condition of the Council Dedicated Land against the agreed maintenance phase performance criteria specified in each Environmental Management Plan until the affected lands have been transferred into public ownership. Environmental audit reports shall itemize all costs associated with the implementation, monitoring and reporting of all maintenance phase works and include audited financial statements.
3. In the event that an environmental audit carried out in accordance with this clause (48) indicates non-compliance with any of the relevant environmental management plans, approval for further stages of the development will not be granted.

Bond for Environmental Restoration Works

50.

- a) Prior to the issue of a construction certificate a cash bond or bank guarantee shall be lodged with Council to ensure that all the environmental management plans are implemented. The amount of such bond will be based on 135% of the cost of the environmental repair, enhancement and maintenance works for the establishment period specified in the approved environmental management plans or for a period of 5 years, whichever is longer. In this regard, two written quotes from suitably experienced and qualified contractors (to the satisfaction of the General Manager or delegate) must be submitted to Council which detail the cost of all works required.
- b) The cash bond or bank guarantee will be refunded on the satisfactory completion of works providing acceptable arrangements have been made for the long term ownership and management of the relevant lands.
- c) Monitoring of the effectiveness of the of the environmental repair, enhancement and maintenance works are to be undertaken in accordance with Condition 49 of the modified approval (08_0194). Any supplementary or approved adaptive management works deemed necessary by the independent contractor shall be promptly undertaken once the need is identified.

URBAN DESIGN

Plan of Development for Precinct 5

51. Revised plans of development for Precinct 5 are to be submitted to the Director-General for approval demonstrating full compliance with the Kings Forest Development Code.

PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS

Construction Environmental Management Plan

52.

- 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 55);
 - ii. noise and vibration management (see condition 56);
 - iii. construction waste management (including the proposed method and location of excess spoil from bulk earthworks) (see condition 57);
 - iv. erosion and sediment control for the entire Kings Forest Estate (see condition 54);
 - 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 unless otherwise approved as part of this approval in Condition 9, 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.

Construction Management Measures

53. All measures contained in the Construction Environmental Management Plan under Condition 52 and the Sediment and Erosion Control Plan under Condition 54 are to be implemented prior to the commencement of construction and be maintained throughout construction. A copy of the approved Plans shall be maintained on site and made available upon request.

Sediment and Erosion Control Plan

54.

- 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 SEPP14 wetlands, particularly during construction of the two access roads to the southern residential precincts.
- 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,

Construction Traffic and Pedestrian Management Plan

55.

- 1) A Construction Traffic and Pedestrian Management Plan in accordance with AS1742 Set-2010 and RMS's publication *Traffic Control at Works Sites* Version 4 shall be prepared by an RTA accredited person(s), and shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to, the following matters:
 - a) ingress and egress of vehicles to the site and details of how construction of project infrastructure will be managed in proximity to local and regional roads;
 - b) loading and unloading, including construction zones;
 - c) predicted traffic volumes and measures to ensure traffic volume, acoustic and amenity impacts along construction vehicle routes are minimised;
 - d) types and routes including traffic routes for heavy vehicles, and any necessary route or timing restrictions for oversized loads;
 - e) pedestrian and traffic management methods (including site security);
 - f) Washing facilities for trucks on the site (including a vehicle shakedown area);
 - g) Hours of access to the site; and
 - h) evidence that all statutory responsibilities with regard to road traffic impacts have been complied with.

Noise and Vibration Management Plan

56.

- 1) 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.

Construction Waste Management Plan

57.

- 1) A Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to the following matters:
 - a) Recycling of demolition materials including concrete;
 - b) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
 - c) Identification of sources of waste
 - d) Description of measures to control and manage any waste
 - e) Identification of any monitoring locations and procedures for monitoring
 - f) Licensing requirements
 - g) Measures to maximise onsite recycling
 - h) Locations of waste storage
- 2) The Proponent shall submit a copy of the Plan to council, prior to commencement of work.

Construction Waste Management

58.

- 1) The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- 3) Storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin; provided to council specifications (as in force at the date of this approval).
- 4) Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 5) The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.

Pavement Design

59.

- 1) Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval and demonstrating:
 - a. That the pavement has been designed in accordance with council's Development Design Specification, D2 (as in force at the date of this approval).
 - 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 (as in force at the date of this approval).
 - 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 3798-2007.
- 2) 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 council's Development Design and Construction Specifications (as in force at the date of this approval).
 - 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.
- 3) Provision of temporary turning areas and associated signage for refuse vehicles is to be provided at the end of roads which will be extended in subsequent stages. 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.

Excavation Works

60. The PCA and council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Geotechnical Compliance

61. Each stage shall be preceded by an endorsement of detailed earthworks design plans by a practicing geotechnical engineer to certify compliance of the plans and implementation strategy with the conclusions and recommendations of the Geotechnical Report prepared by Cardno Bowler titled Geotechnical Investigation proposed residential subdivision Depot Road, Kings Forest dated 7 April 2011 (Appendix Y of the EA).

Retaining Walls

62. Prior to commencement of construction the PCA is to be provided with a certificate of adequacy of design, signed by a practicing Structural Engineer on all proposed retaining walls in excess of 1.2m in height. The certificate must also address any loads or possible loads on the wall from structures adjacent to the wall and be supported by geotechnical assessment of the founding material.

SEPP14 Wetlands

63. Prior to the commencement of works for any stage of the project, the SEPP14 wetland and Cudgen Nature Reserve boundaries must be clearly delineated on-site to prevent unauthorised access to these

areas. Temporary signage should be erected to ensure that construction workers are aware of the need to avoid and protect these sensitive areas. Design of the temporary fence should allow movement of native fauna present in the area. Temporary fencing and signage should incorporate all Environment Protection Zones including any of the ecological buffers proposed for dedication as part of Cudgen Nature Reserve.

Exclusion Fencing and Underpasses

64. Fauna exclusion fencing and underpasses (including any temporary fencing and underpasses) for roads traversing Environmental Protection Areas are to be constructed prior to the commencement of bulk earthworks in any of the southern and/or western development precincts.

Existing Services

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

Drawing Reticulated Water

66. Where water is to be drawn from Councils reticulated system, the Proponent shall:

- 1) Make application for the hire of a council metered standpipe including council's nomination of point of extraction.
- 2) Where a current standpipe approval has been issued, application must be made for council's nomination of a point of extraction specific to the development.
- 3) Payment of relevant fees in accordance with council's adopted fees and charges.

Public Risk Liability

67.

- 1) 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.
- 2) Where the construction work is on or adjacent to public roads, parks or drainage reserves the Proponent 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.

Site Safety

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

Aboriginal Cultural Heritage Program

69. Records are to be kept of which staff/contractors were inducted under the Aboriginal Cultural Heritage Program and when for the duration of the project.

Community Liaison

70.

- 1) Details of the contact person and telephone number shall be clearly displayed at the site entry.
- 2) A sign is to be erected at the entry of the site to clearly advise the community liaison officer's details and contact number.
- 3) These details are to be documented in the Construction Environmental Management Plan.

Environmental and Community Liaison Officer(s)

71.

- 1) An appropriately qualified Environmental Officer(s), that is to receive the prior approval of the department, must be engaged by the Proponent for the duration of works. Their role shall be to oversee environmental compliance of the project until completion conditions have been satisfied.
- 2) A community liaison officer shall be available during construction works.
- 3) The Environmental Officer(s) may also act as the community liaison officer required by 2) above, to consult with potentially affected property owners and the department before and during construction works and shall respond to complaints of an environmental impact nature.
- 4) The Environmental Officer(s) must submit a report to the Director-General in accordance with reporting timetables in the management plans and within 3 weeks of the completion of each

earthworks stage detailing the project's compliance with relevant conditions, management plans and progress on-site.

- 5) A sign is to be erected at the entry of the site to clearly advise the environmental/community liaison officer's details and contact number. These details are to be documented in the CEMP required by Condition 52.

Implementation of Environmental Management Plans

72.

- 1) Evidence of commencement of implementation of all Environmental Management Plans shall be provided to the Director-General prior to commencement of bulk earthworks.

DURING CONSTRUCTION

Approved Plans to be On-site

73. 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.

Hours of Work

74.

- 1) The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 5:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
- 2) Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - c) variation is approved in advance in writing by the Director General or his nominee.
 - d) Residents likely to be affected by the works are notified in writing of the timing and duration of these works at least 48 hours prior to the commencement of works (with the exception of emergency work).
- 3) The Proponent is responsible to instruct and control subcontractors regarding hours of work.

Complaints Procedure

75.

- 1) At the commencement of construction the Proponent shall ensure that the following are available for community complaints during construction:
 - a) A 24 hour telephone number on which complaints about construction activities at the site may be registered.
 - b) A postal address to which written complaints may be sent.
 - c) An email address to which electronic complaints may be transmitted.
 - d) Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours.
 - e) Name, address and telephone number of the Project Manager and PCA
 - f) The telephone number, the postal address, email address, the name of the site/project manager and the approved hours of work, shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.
- 2) The Proponent shall record details of all complaints received through the means listed under this condition of this approval in an up-to-date Complaints Register.
- 3) The Proponent shall provide an initial response to any complaints made in relation to the project during construction within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in the Complaints Register.

Incident Reporting

76. Within 24 hours of detecting any incidents during construction that causes (or may cause) significant harm to the environment, the Proponent shall notify the Council and other relevant agencies of the incident and identify the following:

- 1) Describe the date, time, and nature of the incident.
- 2) Identify the cause (or likely cause) of the incident.
- 3) Describe what action has been taken to date.
- 4) Describe any proposed measures to address the incident.

Access to SEPP14 Wetland Areas and Cudgen Nature Reserve

77.

- 1) No vehicles, machinery or other equipment should be stored, driven or parked at any time within the SEPP14 wetlands or the Cudgen Nature Reserve.
- 2) No access is allowed to the SEPP14 wetlands or the Cudgen Nature Reserve during the construction period for any stage of the project other than for those works approved by this project application.

Erosion and Sediment Control

78.

- 1) All erosion and sediment control measures are to be effectively implemented and maintained in accordance with the Sediment and Erosion Control Plan as required by condition 54.
- 2) All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 3) After each storm event a suitably qualified person shall assess the adequacy of the erosion control measures and make good any damaged erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

Construction Noise Management

79.

- 1) Construction noise objectives shall be consistent with the requirements of the DECC *Interim Construction Noise Guideline (July 2009)*
- 2) Background noise levels are those identified in Environmental Assessment or otherwise identified. 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 Construction Environmental Management Plan as required by condition 52.
- 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.
- 5) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours:
 - a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday
 - d) No blasting on Sundays or public holidays
- 6) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in the Construction Environmental Management Plan.
- 7) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

Vibration Criteria

80.

- 1) Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:
 - a) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
 - b) for human exposure to vibration, the evaluation criteria presented in the *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZEC 1990)*
- 2) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- 3) These limits apply unless otherwise outlined in the approved CEMP.

Use of Crushing Plant Machinery

81. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is not approved. Separate approval must be obtained for any such use on the site.

Dust Mitigation

82. 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:

- a) 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.
- b) 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.
- c) All materials shall be stored or stockpiled at the best locations.
- d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run off occurs.
- e) All vehicles carrying soil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.
- f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays.
- g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- h) Cleaning of footpaths and roadways shall be carried out regularly.
- i) All topsoil stockpiles are to be sprayed with dust suppression material such as "hydro mulch", "dustex" or equivalent. All haul roads shall be regularly watered or treated with dust suppression material or as directed on site.
- j) All construction activities that generate dust shall cease when average wind speeds exceed 15m/s(54 km/h). The applicant shall be responsible for providing a calibrated wind meter on site to monitor wind speeds. The wind meter must be located so that it is easily accessed by relevant supervisors and Council Officers. This data must be able to be produced to Council on request.

Construction Waste Management

83. Management of construction waste must be undertaken in accordance with the approved Construction Waste Management Plan required by Condition 57.

Damage

84. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the project shall be repaired in accordance with Council's Development Design and Construction Specifications (as in force at the date of this approval) prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

Stormwater and Drainage

85.

- 1) Inter allotment drainage shall be provided to all lots where roof water for future 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 (as in force at the date of this approval).

Disposal of Seepage and Stormwater

86. Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless it meets the controlled discharge water quality criteria specified in Condition 21.

Sewer pump station

87.

- 1) An accurate plan of the sewage pumping station site shall be submitted to council 60 days prior to lodgement of an application for a Subdivision Certificate to allow the land to be classified.

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.

Compulsory Inspections

88.

- 1) Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with council's Development Control Plan, Part A5 - Subdivision Manual, Appendix D

(as in force at the date of this approval). Inspection fees are based on the rates contained in council's current Fees and Charges:

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 inspection - on maintenance
- i) Off maintenance

Sewer Pump Station

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

- 2) Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Proponent's Supervising Consulting Engineer. The EP&A Act makes no provision for works under the *Water Management Act 2000* to be certified by an "accredited certifier". The fee for the above mentioned inspections shall be invoiced upon completion of all civil works, and subject to the submission of an application for a 'Subdivision Works Compliance Certificate'.
- 3) The PCA shall be given a minimum 24 hours notice or as agreed with the PCA, to carry out the following inspections:

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, bikeways - formwork/reinforcement
- h) Final inspections - on maintenance
- i) Off Maintenance inspection

Street Names

89.

- 1) The Proponent shall obtain the written approval of council to the proposed road/street names and be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.
- 2) The application shall demonstrate compliance with council's Road Naming Policy.

Aboriginal Cultural Heritage

90. Aboriginal Cultural Heritage matters during construction are to be addressed in the following manner:

- 1) The Proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values and implementation of the approved Cultural Heritage Management Plan. Evidence of this consultation must be collated and provided to the approval authority upon request.
- 2) The Proponent is to provide fair and reasonable opportunities for the registered Aboriginal stakeholders to monitor any initial ground disturbance works associated with the areas identified as

the 'Monitoring Areas' in the Kings Forest Aboriginal Monitoring Plan (undated). In the event that additional Aboriginal objects are uncovered during the monitoring program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks and Wildlife Act 1974*.

- 3) 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). 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 OEH to develop and implement management strategies for all objects/sites.
- 4) If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the Proponent. If the skeletal remains are identified as Aboriginal, the Proponent must contact OEH's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until OEH provide written notification to the Proponent.
- 5) All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and OEH. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and be submitted to OEH's AHIMS Registrar within 3 months of completion of these works.

Earthworks & Fill

91.

- 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 of material is suitable for the intended purpose 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) During construction, the Proponent shall employ a suitably qualified geotechnical practitioner to identify and stockpile suitable fill materials on site. Any fill on the sites to be placed in accordance with AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments*. Unless sourced from within the site, only 'Virgin Excavated Natural Material' (VENM) shall be imported to the site. No fill or retaining walls shall be located within any drainage easement located within the site.
- 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;
 - b. Fill adjacent to these boundaries is to be placed mechanically;
 - c. All fill and cut batters shall be contained wholly within the subject land; and
 - d. All topsoil to be re-spread and the site to be grassed and landscaped during battered areas.
- 4) No soil, sand, gravel, clay or other material shall be disposed of off the site without the prior written approval of council.
- 5) In the event that poor soils are encountered during bulk earthworks activities, bulk earthworks may be undertaken in any sequence or phase (other than that as generally described in Condition A6 of this approval) only for the purpose of the following:
 - a. Temporary placing of material to enable the material to be mixed, dried or the like
 - b. Temporary stockpiling of material to enable the area from which the material is obtained to be mixed, dried or the like, providing that:
- 6) The areas used for temporary placing and stockpiling referred to in 5) above must not exceed 5ha at any one time. The areas are to be vegetated immediately after the material is removed.
- 7) The need for such activity as described in 5) above, shall be confirmed by a suitably qualified geotechnical practitioner and must not proceed without the prior written approval of the Director-General.

Surrounding Road Carriageways

92. 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.

Depot Road

93. Uninterrupted all weather vehicular access to the Depot Road sports fields site shall be maintained for the duration of works.

Burning of vegetation

94. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited.

Acid Sulfate Soils

95. All works that involve disturbance of soils shall be carried out in accordance with the approved Acid Sulfate Management Plan, as required by Condition 17.

Fauna Spotter-Catcher

96. A registered Fauna spotter-catcher is to be present during all vegetation clearing works to ensure safe dispersal of fauna as required by the Environmental Management Plans.

Protection of the Environment

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

Monitoring

98. All monitoring shall be undertaken in accordance with the site Environmental Management Plans, including, but not limited to, the following:

- 1) Flora and fauna
- 2) Groundwater quality and levels
- 3) Groundwater seepage
- 4) Surface water quality
- 5) Sediment and erosion control
- 6) Acid sulfate soils
- 7) Dust monitoring (as required)

PART THREE – CONSTRUCTION OF RURAL SUPPLIES BUILDING (PRECINCT 1)

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Amendments to Design of Rural Supplies Building

- 99.
- 1) The design of the rural supplies building and landscaping in the north of Precinct 1 shall be modified to provide a 10m wide vegetated buffer generally in accordance with Appendix 2 of the Planning Guidelines: Separating Agricultural and Residential Land Uses (Qld Government August 1997) and Section A5 of Tweed Shire Council's DCP 2008, or any other such arrangement to the satisfaction of the Department of Primary Industries, to minimise any future potential land use conflict with agricultural land to the north of the site. Screening by physical means other than vegetation is not acceptable.
 - 2) The amended design shall be submitted to the Director-General for approval within 6 months of the date of this approval.

Use of Rural Supplies Building in Precinct 1

100. Final details regarding the proposed first use, hours of operation, car parking and service vehicle arrangements, access, signage and external storage for the building in Precinct 1 shall be submitted to the Director-General for approval prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Bushfire Management - Design and Construction

101. The design of the rural supplies building shall comply with the following:

- c. Construction of the building shall comply with Section 3 and Section 7 (BAL 29) of Australian Standard AS 3959-2009 *Construction of buildings in bushfire-prone areas* and section A3.7 of *Addendum: Appendix 3 Planning for Bush Fire Protection*.
- d. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.
- e. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.

Details of Materials, Colours and Finishes

102. Final design details of the proposed external materials and finishes of the building in Precinct 1, including schedules and a sample board of materials and colours (including an A3 photographic reproduction), shall be submitted to and approved by the department prior to the issue of a construction certificate for the construction of any building in Precinct 1.

Reflectivity

103. The visible light reflectivity from building materials used on the facades of the buildings in Precinct 1 shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Outdoor Lighting

104. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the construction of any building in Precinct 1.

Access for People with Disabilities

105. The building in Precinct 1 must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the Construction Certificate drawings for any building in Precinct 1.

Parking Spaces

106. The number of car spaces, bicycle spaces and loading bays to be provided for the rural supplies development in Precinct 1 shall comply with the requirements of Section A2 – Site Access and Parking Code of the Tweed Shire Council Development Control Plan 2008 (as in force at the date of this approval).

Carpark and Service Vehicle Layout

- 107.
- 1) All vehicles should enter and leave the rural supplies site in a forward direction.
 - 2) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
 - 3) Appropriate pedestrian advisory signs are to be provided at the egress from the car park.
 - 4) All works/regulatory signposting associated with the rural supplies development shall be at no cost to the relevant roads authority.
 - 5) The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
 - 6) Details demonstrating compliance with the requirements specified above shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate for the construction of any building in Precinct 1.

Mechanical Ventilation

108. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environmental protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a construction certificate for the construction of any building in Precinct 1.

Storage and Handling of Waste

109.

- 1) An appropriate area shall be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises, outside of the ecological buffer zone and asset protection zone. The location and design of such an area shall be in accordance with the requirements of *Tweed Shire Council Development Control Plan 2008* (as in force at the date of this approval).

Sewer and Water Reticulation

110. The Proponent must prepare a detailed network analysis and plans for water and sewer reticulation infrastructure prior to the issue of a construction certificate for the construction of any building in Precinct 1. The analysis must be prepared to the satisfaction of council.

Certification

111.

- 1) Proposed earthworks shall be carried out in accordance with AS 3798, Guidelines on Earthworks for Commercial and Residential Developments.
- 2) All earthworks shall have a finished grade of at least 1% so that the site drains to approved permanent drainage systems.
- 3) The earthworks shall be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798. A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with AS3798 and that the development is suitable for its intended use shall be submitted to the PCA upon completion.

Stormwater Quality

112. 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*.

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*. The stormwater and site works shall incorporate water sensitive design principles and where practical, integrated water cycle management.

Erosion and Sediment Control

113.

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

Advisory Note:

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

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

Shall not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

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

DURING CONSTRUCTION OF PRECINCT 1

Erosion and Sediment Control

114.

- 1) 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 (if subdivision include 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.
- 2) In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act 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.
- 3) This sign is to remain in position for the duration of the project.

Bushfire Management

115. At the commencement of building works and in perpetuity, the property to the east, south-east and south of the building in Precinct 1 for a distance of not less than 21 metres, and to the property boundary north and west of the proposed building, shall be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Management

116. In addition to condition 115 above, conditions 73 to 92 and 94 to 98 of this project approval (08_0194) must be complied with during the construction of the rural supplies building in Precinct 1.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE FOR RURAL SUPPLIES BUILDING

Road Damage

117. The cost of repairing any damage caused to council or other Public Authority's assets in the vicinity of Precinct 1 as a result of construction works associated with the rural supplies development is to be met in full by the Proponent prior to the issue of any Occupation Certificate for the building in Precinct 1.

Registration of Easements

118.

- 1) Prior to the issue of any Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements and Restrictions as to User under Section 88B of the *Conveyancing Act 1919* required by this approval, have been lodged for registration or registered at the NSW Land and Property Information.
- 2) A restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
- 3) Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
- 4) Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- 5) 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.

Structural Inspection Certificate

119. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the rural supplies building. A copy of the certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the department after:

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

Compliance with Bushfire Requirements

120. Prior to the release of any Occupation Certificate for the project, a report is to be prepared by a BPAD Certified bushfire consultant that certifies the following:
- 1) Compliance with the RFS requirements in Condition 101
 - 2) Public road access complies with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*
 - 3) Fire trails comply with section 4.1.3 (3) of *Planning for Bush Fire Protection 2006*
 - 4) Asset Protection Zones comply with Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*
 - 5) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*
 - 6) Internal roads shall comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*
 - 7) Arrangements for bushfire emergency and evacuation have been detailed within a Bushfire Emergency / Evacuation Plan and comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

Koala Plan of Management

121. All exclusion fencing required by the Koala Plan of Management dated October 2012 as relevant to Precinct 1, must be constructed and functional prior to the release of an occupation certificate for any building in Precinct 1. Evidence is to be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management.

Landscaping

122. Upon completion of landscape works, and prior to the commencement of use, evidence is to be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan. The Proponent shall also ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state prior to any handover to council.

External Lighting

- 123.
- 1) The Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance with condition 123.
 - 2) All externally mounted artificial lighting, including security lighting, is to be shielded where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.

Integrated Water Cycle Management

124. The Proponent shall provide a Works as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan submitted in accordance with condition 19 have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer.

Utilities – Water, Sewer, Telephone and Electricity Services

- 125.
- 1) The rural supplies building is to be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of an Occupation Certificate. Such connections, and any extension of services required to the rural supplies development, are to be carried out at full cost to the Proponent.

DURING OPERATIONS

Loading and Unloading

126. All loading and unloading of service vehicles in connection with the use of the rural supplies building shall be carried out wholly within the Precinct 1 site at all times.

Unobstructed Driveways and Parking Areas

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

Operations

128. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.

Noise

129.

- 1) The LAeq, 15 min noise level emitted from the premises shall not exceed the project specific noise level, calculated in accordance with the NSW Industrial Noise Policy (EPA, January 2000).
- 2) All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive.

Bushfire Emergency / Evacuation Plan

130. Arrangements for bushfire emergency and evacuation are to be maintained in accordance with the Bushfire Emergency / Evacuation Plan, as required by Condition 120, and '*Planning for Bush Fire Protection 2006*'. All continuing actions which may be required (e.g. training of staff, signage requirements) shall be implemented.

Impacts on SEPP14 Wetland

131. Operation of the building shall not damage or interfere in any way with the SEPP14 wetlands.

PART FOUR – SUBDIVISION OF PRECINCT 5 (LOT 2)

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Amendments to Subdivision of Precinct 5

132. Prior to the registration of final subdivision plans for Precinct 5 an amended subdivision plan shall be submitted to the Director-General for approval that includes an additional 49.66 hectare environmental reserve lot immediately adjacent to proposed lot 1002 and 1003, and any associated ecological buffers as depicted as 'conservation offset (future) land' and 'B50 – 50m ecological buffers' on the 'Plan of Proposed Areas to be Dedicated to Council with Work Areas' prepared by Landsurv Pty Ltd dated 2 October 2012, Revision D, in accordance with the revised plan of dedication required by term B5 of the modified concept plan approval.

Compliance Certificates

133. Prior to the application for a Subdivision Certificate for each stage of the subdivision of Precinct 5, a Compliance Certificate or Certificates shall be obtained from council for the following:-
- 1) Compliance Certificate – Bulk Earthworks
 - 2) Compliance Certificate – Roads
 - 3) Compliance Certificate - Water Reticulation
 - 4) Compliance Certificate - Sewerage Reticulation
 - 5) Compliance Certificate – Drainage and Services

Note: 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 approval, the Construction certificate, *Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual* and Councils relevant Development Design and Construction Specifications unless otherwise altered by the Kings Forest Development Code. The EP&A Act makes no provision for works under the Water Management Act 2000 to be accredited by an "accredited certifier".

Part 4A Certificate

134. Prior to the registration of final subdivision plans for Precinct 5 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 of Precinct 5.

Geotechnical Certification

- 135.
- 1) Prior to issue of the first Subdivision Certificate for any stage of the subdivision of Precinct 5, the consultant geotechnical engineer is to certify the following on the site:
 - a. Level 1 Certification for the earthworks by a Registered Geotechnical Engineer in accordance with AS 3798 2007 (Guidelines on Earthworks for Commercial and Residential Development).
 - b. All lots in Precinct 5 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.
 - 2) This certification shall be provided to the PCA prior to the release of the Subdivision Certificate for the first stage of the project.

Post Construction Dilapidation Report

136. A second dilapidation report is to be prepared by a suitably qualified engineer at the completion of the works for each stage of the subdivision to ascertain if any structural damage has occurred to the adjoining and adjacent buildings, infrastructure and roads. The report is to be compared with the first dilapidation report and recommend a course of action to carry out repairs if required. The report is to be submitted to the PCA, prior to issue of the Subdivision Certificate for each stage of the subdivision of Precinct 5.

Acoustic Provisions

137. Certification shall be received from an appropriately qualified acoustic engineer that all acoustic barriers have been installed in accordance with the Environmental Noise Impact Report prepared by CRG Acoustical Consultants dated 24 August 2012.

Damage to Property

138.

- 1) Any damage to property (including pavement damage) is to be rectified to the satisfaction of the PCA prior to the issue of a Subdivision Certificate.
- 2) 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 for each stage of the subdivision of Precinct 5.

Traffic and Access

139. In order to ensure appropriate access arrangements to the site have been made, the following roads and intersections shall be constructed to the relevant RTA and AUSTROADS standards prior to the release of a Subdivision Certificate for the first stage of subdivision in Precinct 5.

- 1) Kings Forest Parkway from the intersection of Tweed Coast Road to the first roundabout
- 2) Intersection of Tweed Coast Road and Kings Forest Parkway
- 3) The roundabout at the intersection of Kings Forest Parkway and the Precinct 5 entrance road.

Bushfire Management

140.

- 1) Prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5, the Proponent shall engage a suitably qualified bushfire consultant to certify that the site layout complies with the following:
 - a) The asset protection zones (APZ) required by *Planning for Bushfire Protection 2006* are to be provided in accordance with the Bushfire Risk Assessment prepared by Bushfiresafe (Aust) Pty Ltd dated August 2012. Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction certificate for each stage of the project.
 - b) Water, Electricity and Gas shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006*.
 - c) The internal road shall comply with the requirements of Section 4.2.7 of *Planning for Bushfire Protection 2006* and the entrance way to the parking area shall be a minimum of 6.5 metres in width.
 - d) Landscaping shall comply with the principles of Appendix 5 of *Planning for Bushfire Protection 2006*.
 - e) An Emergency Evacuation Plan is to be prepared in line with NSW RFS document *Guidelines for the Preparation of an Emergency/Evacuation Plan*.
- 2) A fire trail is to be provided around Lot 1001 to provide access to the APZ and bushland interface for fire fighting purposes. The fire trail shall comply with section 4.1.3(3) of *Planning for Bushfire Protection 2006*.
- 3) Notwithstanding 2) above, the Proponent may provide alternate access to the APZ and bushland interface within the future development of Lot 1001 where such a trail affects the design layout of the future townhouse development on Lot 1001. Any such proposal to delete the fire trail should be referred to the RFS for consideration and approval.
- 4) Certification shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for each stage of the subdivision in Precinct 5.
- 5) A Plan of Management shall be prepared by a suitably qualified bushfire consultant for the future ongoing maintenance of asset protection zones prior to the release of the Subdivision Certificate for each relevant stage of the subdivision of Precinct 5.

Flood Management

141. Prior to issue of a Subdivision Certificate for any stage of the subdivision, evidence is to be obtained from a suitably qualified professional civil engineer that certifies flood management works have been completed in accordance with the Preliminary Flood Assessment prepared by Gilbert & Sutherland dated September 2012 in Appendix 18 of the Proponent's PPR. This includes the following:

- 1) Finished pad levels across the site should be consistent with the recommended levels in the Flooding and Flood Management Assessment to ensure flood immunity during a 100 year Average Recurrence Interval (ARI) flood event, incorporating future high range climate change impacts (0.91m sea level rise plus 10% increase in rainfall intensity)
- 2) Appropriate and safe emergency evacuation routes have been provided to all residents during a Probable Maximum Flood event
- 3) Habitable floor levels are set at 0.5m above the upper limit high climate change (0.91m sea level rise plus 10% increase in rainfall intensity) ARI 100 year event.

Registration of Easements / Restrictions to Use / Rights of Carriageway

142.

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property.
 - b) Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c) A restriction to the land use shall be placed on the lots containing an asset protection zone requiring the asset protection zone to be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*.
 - d) A Restriction as to User on all residential lots prohibiting the keeping of cats within the site.]
 - e) All existing powerlines are to have an easement registered on title over the location of the powerlines and the land transferred to Essential Energy prior to dedication of any land to the Office of Environment and Heritage.
 - f) A Restriction as to User over all private allotments abutting the acoustic fence within Precinct 5: Certification shall be received from an appropriately qualified acoustic engineer certifying that an acoustic building shell assessment has been undertaken in accordance with Australian Standard AS3671:1989 Acoustics - Road traffic noise intrusion - Building Sitting and Construction to achieve satisfactory internal noise levels prescribed in AS/NZS 2107:1987 Acoustics - Recommended Design Sound Level and Reverberation Times for Building Interiors. The assessments are applicable to any second and subsequent level, or equivalent level, habitable spaces.
 - g) A Restriction as to User burdening all private allotments abutting any acoustic fence making the landowner responsible for the acoustic fence in perpetuity, including maintenance and replacement.
 - h) Positive Covenant over the subject land (as applicable) to ensure that the required provisions of the "Planning for Bushfire 2006 Guidelines and the NSW Rural Fire Service's document Standards for asset protection zones as imposed under Section 100B of the Rural Fires Act 1997 are enforced in perpetuity.
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of council.
- 3) 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 for costs to be shared equally or proportionally on an equitable basis

Utilities – Water, Sewer, Telephone and Electricity Services

143. All residential lots in Precinct 5 are to be connected to all available services (water, sewer, electricity and telephone). A clearance letter from each authority is required prior to issue of a Subdivision Certificate for each stage of the subdivision. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Proponent.

Landscaping

144. Upon completion of landscape works, and prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5, evidence is to be obtained from a suitably qualified person, and submitted to and approved by the PCA that certifies landscaping has been completed in accordance with the approved Landscape Plan submitted in accordance with condition 35. The Proponent shall also ensure that this landscaping is maintained in accordance with the Landscape Plan and in a healthy and vigorous state prior to any handover to council.

Embellishment of Open Space

145. The Proponent must provide the appropriate level area for the play equipment with a minimum fall of 1:100, and provide to council a bank guarantee or cash contribution equivalent to the value of such items prior to release of the Subdivision Certificate for each stage.

Note: Council will undertake the installation of the play equipment and softfall at the appropriate time, but not before 20% of the Precinct 5 allotments are occupied. The developer must provide a

bank guarantee or cash contribution to the value of such items prior to the release of the Subdivision Certificate for each stage Council will undertake the installation at the appropriate time.

Integrated Water Cycle Management

146. The Proponent shall provide a Work as Executed Plan to Council that shows relevant construction works including all Water Sensitive and Urban Design measures as required under the approved Integrated Water Cycle Management Plan have been satisfactorily completed. The Plan shall be endorsed by a Registered Surveyor or Designing Engineer prior to the issue of a Subdivision Certificate for any stage of the subdivision of Precinct 5.

Koala Plan of Management

147. All necessary management measures relevant to Precinct 5 (exclusion fencing, road grids, traffic calming devices, underpasses etc) required by the approved Koala Plan of Management prepared by James Warren and Associates dated August 2012, must be constructed and functional prior to the release of a Subdivision Certificate for the first stage of the subdivision in Precinct 5. Evidence is to be obtained from a suitably qualified ecological professional that certifies management measures have been constructed in accordance with the approved Koala Plan of Management, and submitted to the Director-General for approval.

Dedication of Public Open Space

148. The Proponent must make necessary arrangements for the progressive dedication of the public open space areas to council within Precinct 5 prior to the release of the subdivision certificate for that stage of the subdivision works in Precinct 5. Areas to be dedicated are to be consistent with the Plan of Development in Appendix 5 of the Proponent's PPR (Plan Nos 12, 13 and 14 dated 15 August 2012). This condition does not apply to the land dedicated to Council in the future.

Dedication of Land to OEH

149. In accordance with the terms of the Concept Plan approval (06_0318), the Proponent must provide evidence of an agreement for the dedication to OEH of approximately 150ha of Offset Land as addition to the Cudgen Nature Reserve prior to the release of a subdivision certificate for Precinct 5. The land to be dedicated is that land shown on the 'Plan of Proposed Areas to be Dedicated to NPWS Kings Forest Development' Revision C, dated 23 August 2012 in Appendix 9 of the PPR. Such an agreement must outline the Proponent's commitment to establish boundary fences, access trails and fire trails satisfactory to the needs of OEH prior to the Offset Land being added to the Cudgen Nature Reserve. The Proponent must ensure suitable funding for the amendment of existing reserve specific fire, pest and weed management plans. The funding should be sufficient to ensure actions within the Environmental Management Plans, as amended under this approval, relevant to the new additions are able to be completed.

Dedication of Internal Roads

150. All internal roads in Precinct 5 shall be constructed by the Proponent prior to the issue of a Subdivision Certificate and the roads shall be dedicated to Council upon registration of the Plan of Subdivision in the Land Titles Office, for that relevant stage of subdivision. Street numbering and street naming is to be determined in accordance with Council's street numbering policy.

Dedication of Drainage Reserve

151. Prior to the release of the subdivision certificate for each stage of the subdivision of Precinct 5 the Proponent shall:
- Indicate on the Plan of Subdivision dedication of the proposed drainage reserve at no cost to council.
 - 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.

Defects Liability Bond

- 152.
- Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with council.
 - The bond shall be based on 5% of the value of the works on land to be dedicated to Council as a consequence of the Plan of Subdivision to which the Subdivision Certificate relates (or minimum amount as tabled in Council's fees and charges current at the time of payment, whichever is greater) which will be held by council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the Proponent to apply for refund following the remedying of any defects arising within the 6 month period.
 - Prior to the issue of a Subdivision Certificate, a maintenance bond equal to 25% of the contract

value of the footpath construction works on land to be dedicated to Council as a consequence of the plan of subdivision to which the Subdivision Certificate relates shall be lodged for a period of 3 years or until 80% of the lots fronting paved footpaths are built on.

- 4) Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.
- 5) A bond shall be lodged prior to the issue of the subdivision certificate to ensure that the landscaping on land to be dedicated to Council as a consequence of the Plan of Subdivision to which the Subdivision Certification relates is maintained by the developer for a period of 12 months from the date of issue of a Subdivision Certificate. The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.
- 6) The six (6) months Defects Liability Period commences upon the registration of the Plan of Subdivision.

Section 94 Developer Contributions

153.

- a) Contributions plans relevant to the project include:
 - i. CP04 Section 94 Plan No.4 – Tweed Road Contribution Plan
 - ii. CP11 Section 94 Plan No.11 – Shire Wide Library Facilities
 - iii. CP12 Section 94 Plan No.12 – Bus Shelters
 - iv. CP13 Section 94 Plan No.13 – Eviron Cemetery
 - v. CP18 Section 94 Plan No.18 – Council Administration Offices and Technical Support Facilities
 - vi. CP19 Section 94 Plan No.19 – Casuarina Beach / Kings Forest
 - vii. CP22 Section 94 Plan No.22 – Cycleways
 - viii. CP26 Section 94 Plan No.26 – Shirewide Regional Open Space
- b) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued 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 include indexation provided for in the Section 94 Plan and will remain fixed for a period of 12 months from the date of this approval and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.
- c) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

Stage 1 – Precinct 1

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	1717.992 trips	\$1186 per trip	\$2,037,539
S94 Plan No. 18	0.373555 ET *	\$1860.31 per ET	\$695.01

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	647.4 trips	\$1186 per trip	\$767,816
S94 Plan No. 11	101.25 ET	\$838 per ET	\$84,848
S94 Plan No. 12	101.25 ET	\$64 per ET	\$6,480
S94 Plan No. 13	101.25 ET	\$123 per ET	\$12,454
S94 Plan No. 18	101.25 ET	\$1860.31 per ET	\$188,356.39
S94 Plan No. 19	101.25 ET	\$2263 per ET	\$229,129
Community Facilities			
S94 Plan No. 22**	101.25 ET	\$473 per ET	\$47,891
S94 Plan No. 26	101.25 ET	\$1091 per ET	\$110,464
Casual			
S94 Plan No. 26	101.25 ET	\$3830 per ET	\$387,788

Structured			
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* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	156 trips	\$1186 per trip	\$185,016
S94 Plan No. 11	25.375 ET	\$838 per ET	\$21,264
S94 Plan No. 12	25.375 ET	\$64 per ET	\$1,624
S94 Plan No. 13	25.375 ET	\$123 per ET	\$3,121
S94 Plan No. 18	25.375 ET	\$1860.31 per ET	\$47,205.37
S94 Plan No. 19 Community Facilities	25.375 ET	\$2263 per ET	\$57,424
S94 Plan No. 22**	25.375 ET	\$473 per ET	\$12,002
S94 Plan No. 26 Casual	25.375 ET	\$1091 per ET	\$27,684
S94 Plan No. 26 Structured	25.375 ET	\$3830 per ET	\$97,186

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	98.8 Trips	\$1186 per trip	\$117,177
S94 Plan No. 11	15.75 ET	\$838 per ET	\$13,199
S94 Plan No. 12	15.75 ET	\$64 per ET	\$1,008
S94 Plan No. 13	15.75 ET	\$123 per ET	\$1,937
S94 Plan No. 18	15.75 ET	\$1860.31 per ET	\$29,299.88
S94 Plan No. 19 Community Facilities	15.75 ET	\$2263 per ET	\$35,642
S94 Plan No. 22**	15.75 ET	\$473 per ET	\$7,450
S94 Plan No. 26 Casual	15.75 ET	\$1091 per ET	\$17,183
S94 Plan No. 26 Structured	15.75 ET	\$3830 per ET	\$60,323

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	265.2 Trips	\$1186 per trip	\$314,527
S94 Plan No. 11	43 ET	\$838 per ET	\$36,034
S94 Plan No. 12	43 ET	\$64 per ET	\$2,752
S94 Plan No. 13	43 ET	\$123 per ET	\$5,289
S94 Plan No. 18	43 ET	\$1860.31 per ET	\$79,993.33
S94 Plan No. 19 Community Facilities	43 ET	\$2263 per ET	\$97,309
S94 Plan No. 22**	43 ET	\$473 per ET	\$20,339
S94 Plan No. 26	43 ET	\$1091 per ET	\$46,913

Casual			
S94 Plan No. 26 Structured	43 ET	\$3830 per ET	\$164,690

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	384.8 Trips	\$1186 per trip	\$456,373
S94 Plan No. 11	59.75 ET	\$838 per ET	\$50,071
S94 Plan No. 12	59.75 ET	\$64 per ET	\$3,824
S94 Plan No. 13	59.75 ET	\$123 per ET	\$7,349
S94 Plan No. 18	59.75 ET	\$1860.31 per ET	\$111,153.52
S94 Plan No. 19 Community Facilities	59.75 ET	\$2263 per ET	\$135,214
S94 Plan No. 22**	59.75 ET	\$473 per ET	\$28,262
S94 Plan No. 26 Casual	59.75 ET	\$1091 per ET	\$65,187
S94 Plan No. 26 Structured	59.75 ET	\$3830 per ET	\$228,843

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	153.4 Trips	\$1186 per trip	\$181,932
S94 Plan No. 11	25.25 ET	\$838 per ET	\$21,160
S94 Plan No. 12	25.25 ET	\$64 per ET	\$1,616
S94 Plan No. 13	25.25 ET	\$123 per ET	\$3,106
S94 Plan No. 18	25.25 ET	\$1860.31 per ET	\$46,972.83
S94 Plan No. 19 Community Facilities	25.25 ET	\$2263 per ET	\$57,141
S94 Plan No. 22**	25.25 ET	\$473 per ET	\$11,943
S94 Plan No. 26 Casual	25.25 ET	\$1091 per ET	\$27,548
S94 Plan No. 26 Structured	25.25 ET	\$3830 per ET	\$96,708

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	322.4 Trips	\$1186 per trip	\$382,366
S94 Plan No. 11	51.25 ET	\$838 per ET	\$42,948
S94 Plan No. 12	51.25 ET	\$64 per ET	\$3,280
S94 Plan No. 13	51.25 ET	\$123 per ET	\$6,304
S94 Plan No. 18	51.25 ET	\$1860.31 per ET	\$95,340.89
S94 Plan No. 19 Community Facilities	51.25 ET	\$2263 per ET	\$115,979

S94 Plan No. 22**	51.25 ET	\$473 per ET	\$24,241
S94 Plan No. 26 Casual	51.25 ET	\$1091 per ET	\$55,914
S94 Plan No. 26 Structured	51.25 ET	\$3830 per ET	\$196,288

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	208 Trips	\$1186 per trip	\$246,688
S94 Plan No. 11	34.75 ET	\$838 per ET	\$29,121
S94 Plan No. 12	34.75 E	\$64 per ET	\$2,224
S94 Plan No. 13	34.75 E	\$123 per ET	\$4,274
S94 Plan No. 18	34.75 E	\$1860.31 per ET	\$64,645.77
S94 Plan No. 19 Community Facilities	34.75 E	\$2263 per ET	\$78,639
S94 Plan No. 22**	34.75 E	\$473 per ET	\$16,437
S94 Plan No. 26 Casual	34.75 E	\$1091 per ET	\$37,912
S94 Plan No. 26 Structured	34.75 E	\$3830 per ET	\$133,093

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	182 Trips	\$1186 per trip	\$215,852
S94 Plan No. 11	30.75 ET	\$838 per ET	\$25,769
S94 Plan No. 12	30.75 ET	\$64 per ET	\$1,968
S94 Plan No. 13	30.75 ET	\$123 per ET	\$3,782
S94 Plan No. 18	30.75 ET	\$1860.31 per ET	\$57,204.53
S94 Plan No. 19 Community Facilities	30.75 ET	\$2263 per ET	\$69,587
S94 Plan No. 22**	30.75 ET	\$473 per ET	\$14,545
S94 Plan No. 26 Casual	30.75 ET	\$1091 per ET	\$33,548
S94 Plan No. 26 Structured	30.75 ET	\$3830 per ET	\$117,773

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Trips/ET	Rate per trip/ET	Total Contribution
S94 Plan No. 4 (7)***	78 Trips	\$1186 per trip	\$92,508
S94 Plan No. 11	17.5 ET	\$838 per ET	\$14,665
S94 Plan No. 12	17.5 ET	\$64 per ET	\$1,120
S94 Plan No. 13	17.5 ET	\$123 per ET	\$2,153
S94 Plan No. 18	17.5 ET	\$1860.31 per ET	\$32,555.43
S94 Plan No. 19	17.5 ET	\$2263 per ET	\$39,603

Community Facilities			
S94 Plan No. 22**	17.5 ET	\$473 per ET	\$8,278
S94 Plan No. 26 Casual	17.5 ET	\$1091 per ET	\$19,093
S94 Plan No. 26 Structured	17.5 ET	\$3830 per ET	\$67,025

* ET = Equivalent Tenements

** Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

*** Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule

Section 64 Developer Contributions

154.

- a) Development Servicing plans relevant to the project include:
 - i. Tweed Shire Council Development Servicing Plans for Water Supply Services July 2007
 - ii. Tweed Shire Council Development Servicing Plans for Sewerage Supply Services July 2007
- b) 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.
- c) Pursuant to Section 109J of the *Environmental Planning and Assessment Act, 1979* a Subdivision Certificate shall not be issued 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.
- d) The below charges remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in council's adopted Fees and Charges current at the time of payment.
- e) The Proponent shall pay, in proportion to the additional lots created by each stage, the following monetary contributions:

Stage 1 – Precinct 1

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	4.072 ET*	\$12,575 per ET	\$51,205.40
South Kingscliff Water Levy	4.072 ET	\$292 per ET	\$1,189
Sewer Kingscliff	6.108 ET	\$6,042 per ET	\$36,904.50

Stage 2 – Precinct 5 – Sub Stage 2(1)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	113 ET	\$12,575 per ET	\$1,420,975
South Kingscliff Water Levy	113 ET	\$292 per ET	\$32,996
Sewer Kingscliff	113 ET	\$6,042 per ET	\$682,746

Stage 2 – Precinct 5 – Sub Stage 2(2)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	25.4 ET	\$12,575 per ET	\$319,405
South Kingscliff Water Levy	25.4 ET	\$292 per ET	\$7,417
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(3)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	16 ET	\$6,042 per ET	\$96,672

Stage 2 – Precinct 5 – Sub Stage 2(4)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	42.8 ET	\$12,575 per ET	\$538,210
South Kingscliff Water Levy	42.8 ET	\$292 per ET	\$12,498
Sewer Kingscliff	44 ET	\$6,042 per ET	\$265,848

Stage 2 – Precinct 5 – Sub Stage 2(5)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	60 ET	\$12,575 per ET	\$754,500
South Kingscliff Water Levy	60 ET	\$292 per ET	\$17,520
Sewer Kingscliff	60 ET	\$6,042 per ET	\$362,520

Stage 2 – Precinct 5 – Sub Stage 2(6)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	26 ET	\$12,575 per ET	\$326,950
South Kingscliff Water Levy	26 ET	\$292 per ET	\$7,592
Sewer Kingscliff	26 ET	\$6,042 per ET	\$157,092

Stage 2 – Precinct 5 – Sub Stage 2(7)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	52 ET	\$12,575 per ET	\$653,900
South Kingscliff Water Levy	52 ET	\$292 per ET	\$15,184
Sewer Kingscliff	52 ET	\$6,042 per ET	\$314,184

Stage 2 – Precinct 5 – Sub Stage 2(8)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	36 ET	\$12,575 per ET	\$452,700
South Kingscliff Water Levy	36 ET	\$292 per ET	\$10,512
Sewer Kingscliff	36 ET	\$6,042 per ET	\$217,512

Stage 2 – Precinct 5 – Sub Stage 2(9)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	30.8 ET	\$12,575 per ET	\$387,310
South Kingscliff Water Levy	30.8 ET	\$292 per ET	\$8,994
Sewer Kingscliff	32 ET	\$6,042 per ET	\$193,344

Stage 2 – Precinct 5 – Sub Stage 2(10)

	Equivalent Tenement	Rate per ET	Total Contribution
Water DSP5	16 ET	\$12,575 per ET	\$201,200
South Kingscliff Water Levy	16 ET	\$292 per ET	\$4,672
Sewer Kingscliff	20 ET	\$6,042 per ET	\$120,840

Works as Executed

155.

- 1) The Proponent is to construct, at own cost, all civil and service infrastructure works to service each stage of the subdivision, in accordance with the construction certificate under the supervision of a professional engineer or registered surveyor.
 - 2) Works as Executed Plans shall be submitted in accordance with the provisions of Council's *Development Control Plan A5 - Subdivisions Manual* (as in force at the date of this approval) and Council's *Development Design and Construction Specification, D13 - Engineering Plans* (as in force at the date of this approval).
 - 3) The earthworks shall be monitored by a Registered Geotechnical Testing Consultant in accordance with AS 3798-2007 'Guidelines on earthworks for commercial and residential developments' (August 2008). A certificate from a registered Geotechnical Engineer certifying that the earthworks comply with that standard and that the development is suitable for its intended use shall be submitted to the PCA upon completion.
 - 4) The plans are to be endorsed by a Registered Surveyor or a Consulting Engineer Certifying that:
 - a) all relevant drainage systems, sewer lines, services and structures (as appropriate) are wholly contained within an appropriate easement created by the subdivision;
 - b) the plans accurately reflect the Works as Executed.
- Note: Where works are carried out by Council on behalf of the Proponent it is the responsibility of the Proponent to prepare and submit works-as-executed plans.
- 5) Work as Executed Plans (WAX) must also be submitted 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.
 - 6) 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.
 - c) An electronic copy in DWG or DXF format on CD or an approved medium.

Services – Telephone and Electricity Services and Federal Government's National Broadband Network (NBN)

156.

- 1) In accordance with the Federal Government's National Broadband Network (NBN) initiatives (as may be in force at the time), the Proponent is required (at the Proponent's expense) to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN CO's Specifications, to allow for the installation of Fibre To The Home (FTTH) broadband services, or a complying alternative to the satisfaction of the relevant Federal Government Agency.
- 2) The production of written evidence from the local telecommunications supply authority certifying that the provision and commissioning of underground telephone supply at the front boundary of the allotment has been completed must be submitted prior to the issue of a Subdivision Certificate for each stage of the project.
- 3) The production of written evidence from the local electricity supply authority certifying that reticulation and energising of underground electricity has been completed prior to the issue of a Subdivision Certificate for each stage of the project.
- 4) The reticulation is to include the provision of fully installed electric street lights to the relevant Australian standard. Such lights to be capable of being energised following a formal request by Council.
- 5) The submission to the Certifying Authority and subsequent registration of the required right of carriageway / easement for services / restrictions as to users is required.

Water Supply and Sewer

157.

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

- 4) The site of the sewage pumping stations shall be transferred to Council in fee simple no cost to Council within 28 days of the date of registration of the Plan of Subdivision. The size and shape of the lot shall be determined on the basis of the design of the pump station taking into account all infrastructure to be constructed on the site at the initial stage and at any future stage of the development of Kings Forest as indicated by the Water and Sewer Strategy (as in force at the date of this approval) and Council's Development Design Standards and Standard Drawings (as in force at the date of this approval). Location, size and layouts shown on the drawings are considered indicative and may be subject to change to ensure compliance with relevant standards and requirements.

Required Drainage Inspections

158.

- 1) Prior to the issue of both a Subdivision Certificate and the end of the defects liability period, a CCTV inspection of any stormwater pipes and culverts installed and intended to be dedicated to Council including joints and junctions, will be required to demonstrate that the standard of the infrastructure is acceptable to council.
- 2) All drainage design must comply with Council's Development Design and Construction Specifications (as in force at the date of this approval) in the Tweed Shire Council Development Control Plan – Section A5 - Subdivision Manual.
- 3) Any defects identified by the inspection are to be repaired in accordance with Council's Development Design and Construction Specification (as in force at the date of approval).
- 4) All costs associated with the CCTV inspection and repairs shall be borne by the Proponent.
- 5) Prior to the issue of a Subdivision Certificate for any stage of the subdivision, the Certifying Authority must undertake a final inspection of the works and be satisfied that all relevant conditions of approval have been complied with.
- 6) All components of biofiltration areas shall be constructed in accordance with the construction certificate prior to the issue of a subdivision certificate for any area within the contributing catchment, however the biofiltration areas shall be provided with temporary protection measures (such as turf) at all points of discharge into the swale/basin where sediment laden runoff may discharge during the dwelling construction phase of the precinct. The developer shall provide to Council a bank guarantee or cash contribution equivalent to the value of removing the temporary protection measures and providing the completed surface treatment, including all plantings, in accordance with approved construction certificate plans, to allow Council to undertake the surface works at an appropriate time.

Assets Created

159. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council.

Survey Marks

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

DURING OPERATIONS

Bushfire Management

161. At the issue of first Subdivision Certificate and in perpetuity the asset protection zones identified on the plan titled Plan of Proposed Subdivision of Lot 2 (Precinct 5) Kings Forest, prepared by Landsurv Pty Ltd, ref: 34860-2 (Sheet 1 of 1 – revision D and Sheets 1 of 11 to 11 of 11 – revision D), dated 05.09.2012, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones* (as in force at the date of this approval).
-

ADVISORY NOTES

Appeals

- A1. The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the *Environmental Planning and Assessment Regulation 2000*.

Other Approvals and Permits

- A2.
- 1) The Proponent shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.
 - 2) The Proponent must obtain relevant licences under the *Water Act 1912* and the *Water Management Act 2000* (whichever is relevant at the time the application is made) for all activities that intercept or extract groundwater or surface water prior to commencement of these activities.

Responsibility for other consents / agreements

- A3. The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

SEPP14 Wetlands

- A5. Undertaking developments which damage coastal wetlands without the necessary approvals is a breach of the EP&A Act 1979 and may lead to court action. Land managers or landowners who carry out clearing, draining, filling or the construction of levees within a SEPP 14 area without approval run the risk of facing court proceedings under sections 123 or 125 of the EP&A Act. Failure to comply with SEPP 14 can result in substantial fines and orders to plant and maintain vegetation under section 126 of the EP&A Act. Orders to remedy or restrain a breach of the EP&A Act can also be made under section 124.

Temporary Structures

- A6. An approval under *State Environmental Planning Policy (Temporary Structures) 2007* 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 *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

- A7. 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 Applicant/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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

- A8. 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 the Department of Sustainability, Environment, Water, Population and Communities 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.

MAP 1



Map 1: Location of ex-Banana Land, nominated by OEH as potential land for Koala food tree planting (condition 45).

SCHEDULE 3
STATEMENT OF COMMITMENTS

REVISED STATEMENT OF COMMITMENTS

KINGS FOREST

CONCEPT PLAN APPROVAL NO. 06_0218

PREPARED FOR:

PROJECT 28 PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

OCTOBER 2012

REVISED STATEMENT OF COMMITMENTS

KINGS FOREST CONCEPT PLAN APPROVAL NO. 06_0218

5.1 Biodiversity

1. Project 28 commits to preparing detailed site-specific assessments and management plans in relation to the following matters. The detailed actions prescribed in the site specific management plans will be in accordance with the principles established in the following management plans attached to the PPR:
 - Buffer Management Plan (Attachment G);
 - Revised Vegetation Management Plan (Attachment J);
 - Revised Threatened Species Management Plan (Attachment K);
 - Revised Feral Animal Management Plan (Attachment H); and
 - Revised Weed Management Plan (Attachment I).
2. Project 28 commits to implementing the actions and recommendations, including associated timeframes and performance monitoring arrangements, set out in the Koala Plan of Management (see Attachment L).
3. In relation to the proposed rezoning of land at Kings Forest Project 28 commits to:
 - Restoring the habitat of the Bush Stone-curlew in accordance with recommendations in the Revised Threatened Species Management Plan (see Attachment K).
 - Regenerating the heathland in the grassland community within the revised 7(1) zone south of Depot Road (Area 2) to compensate for the loss of regrowth heath for the new road alignment.
 - Rehabilitating all land proposed for rezoning as Environmental Protection in accordance with the Revised Vegetation Management Plan (see Attachment K).

5.2 Golf Course Management

4. The proponent will implement the actions in the Golf Course Management Plan (Appendix F to the EAR) and submit an Addendum to the plan with the project application for the bulk earthworks for the proposed golf course. The addendum will adopt the recommendations of the E-Par report (Attachment M) and relevant elements of the management plans referred to above.

5.3 Soils and Geotechnical Conditions

5. In relation to managing the acid sulfate soils on the site, prior to the issue of construction certificates for the future precinct earthworks Project 28 will undertake detailed site specific ASS investigations (including additional soil sampling) generally in accordance with the NSW ASSMAC Guidelines and AS1726, and prepare Acid Sulfate Soils Management Plans.
6. Project 28 will undertake detailed site specific geotechnical assessments, where relevant, (including additional drilling) in support of future Development Applications in accordance with AS1726:1993 Geotechnical Site Investigations.

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5.4 Contamination

7. Project 28 will undertake Stage 2 contamination investigations to accompany future project applications for areas of known potential contamination, including lands previously used for sugar cane and banana plantations and as a cattle dip. Where required, Remediation Action Plan(s) will be prepared in accordance with NSW State government requirements.

5.5 Water Management

8. In support of future project applications for each stage of development, Project 28 will:
 - Prepare detailed Integrated Water Cycle Management Plans- on a catchment by catchment basis- to address rainwater harvesting, stormwater quality treatment, stormwater quantity management and groundwater recharge.
 - Undertake on a site specific basis detailed groundwater assessments and prepare detailed Groundwater Management Plans in accordance with OWE requirements.
9. Project 28 will consult with the Department of Water and Energy with respect to the design, licensing and use of harvestable water rights, and surface water and ground water management strategies generally, including the monitoring of these resources. Any required water licenses will be the subject of applications to the OWE, after investigation into the licensing of the existing bore network.
10. Project 28 will provide OWE with further information on the water quality and management of ASS at Turners Quarry Lake for assessment, in support of the incorporating the lake into the Concept Plan.

5.6 Flooding and Climate Change

11. Project 28 will prepare a comprehensive flood assessment of the site for the first project application for Kings Forest. The flood assessment will determine the flood planning level for the site.

5.7 Heritage

12. The proponent will finalise the Cultural Heritage Management Plan in consultation with the traditional owners after completion of archaeological excavations and analysis of findings. This Management Plan will be submitted to the Department of Planning for approval prior to its consideration of the first project application.

5.8 Bushfire Management

13. Project 28 will manage bushfire risk in accordance with the requirements in Planning for Bushfire Protection 2006.

5.9 Traffic and Access

14. Project 28 commits to the following measures in relation to traffic, access and public transport:
 - Implementing with the first stage of subdivision, and in accordance with Tweed Shire Council requirements, the road network proposed in the Concept Plan
 - Constructing a new intersection at Tweed Coast Road and the proposed Kings Forest Parkway before completion of works in relation to the first stage of subdivision.

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-
- Designing all roads, intersections, pedestrian and cycle ways, and bus shelters to meet Tweed Shire Council requirements.
 - Designing and constructing water crossings to meet the requirements of the Department of Primary Industries.

5.10 Emergency Services

15. The proponent will make provision for sites to accommodate, if required, the NSW Ambulance Service, the Police and the NSW Fire Service.

5.11 Dedication of Lands (NPWS)

16. Project 28 will negotiate with DECC the timing, process and conditions of the dedication to the National Parks and Wildlife Service of approximately 150 hectares of the Kings Forest land adjacent to the Cudgen Paddock.

5.12 Structured Open Space

17. Project 28 will dedicate a total amount of structured open space based on 1.7 hectares per 1000 population at the occupancy rates nominated in Section 94 Plan No. CP19 – Kings Forest/Casuarina Beach.
18. The structured open space shall be embellished in accordance with the provisions of Tweed Development Control Plan 2008, Section A5 – Subdivision Manual, in particular Table A5-8.3, Sports Playing Fields – Development Standards.
19. A minimum of 4 hectares shall be dedicated and embellished for each 1000 dwellings erected on Kings Forest.

5.13 Adjoining Allotment

20. Precinct 12 (Residential) adjoins Lot 77 which is also zoned residential. Investigation of a road link to this lot is a requirement of Council's Subdivision Manual (TDCP2008, Section A5).
21. Future Development Applications over Precinct 12 shall include an investigation of a road link to Lot 77, DP 755701.

5.14 Blacks Creek Remediation and Management

22. Project 28 will remediate Blacks Creek within Kings Forest, revegetate its banks and carry out such works as are ancillary thereto, to the reasonable requirements of the NSW Department of Primary Industries and of the NSW National Parks & Wildlife Service.
23. Prior to carrying out any dredging works (as defined in section 198A of the *NSW Fisheries Management Act 1994*) to any part of Blacks Creek within Kings Forest, Project 28 will:
 - obtain a permit required by section 201(1) of the *NSW Fisheries Management Act 1994*, and
 - give the Director-General of the NSW Department of Planning and the Tweed Shire Council no less than thirty days' notice in writing of its intention to carry out such works, specifying the location and nature of the works.



REVISED STATEMENT OF COMMITMENTS

MAJOR PROJECT APPLICATION NO. 08_0194

**KINGS FOREST STAGE 1
SUBDIVISION AND BULK EARTHWORKS**

PREPARED FOR:

PROJECT 28 PTY LTD

PREPARED BY:

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OCTOBER 2012

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REVISED STATEMENT OF COMMITMENTS
MAJOR PROJECT APPLICATION NO. 08_0194
KINGS FOREST STAGE 1 – SUBDIVISION AND GOLF COURSE

1.0 INTRODUCTION

In accordance with the Director-General's Environmental Assessment Requirements, the proponent is required to provide a Draft Statement of Commitments (SOC) in respect of proposed environmental management and mitigation measures for the project. The draft SOC was provided at Section 8.0 of the Environmental Assessment (JBA, Nov 2011).

The following are the revised commitments made by Project 28 Pty Ltd to manage and minimise potential impacts arising from the project. The revised commitments reflect the amendments to the project application and address the key issues raised in the submissions.

2.0 LAND DEDICATION

Proposed Lot 3 (being the land shown on the plan of proposed areas to be dedicated at **Appendix 9**), will be dedicated by Project 28 Pty Ltd to the NSW National Parks & Wildlife Service (NPWS) in accordance with Concept Plan Condition C3. The timing and terms of dedication will be subject to a Voluntary Planning Agreement between Project 28 Pty Ltd and NPWS.

3.0 DEVELOPER CONTRIBUTIONS

In accordance with the relevant Tweed Shire Council Section 94 Contribution Plans and Section 64 of the Local Government Act 1993, prior to the issue of any Subdivision Certificate for the residential lots in Precinct 5, Project 28 Pty Ltd will pay developer contributions in relation to the development of Precinct 5.

4.0 CONSTRUCTION MANAGEMENT

Project 28 Pty Ltd will prepare detailed precinct specific construction management plans prior to the commencement of works within every precinct. The plans will build upon the strategies outlined in the Construction Management Plan appended to the Preferred Project Report and incorporate the measures, where relevant, outlined within the following management plans:

- ♦ Summary of Management Plan
- ♦ Flora and Fauna Monitoring Report
- ♦ Construction Management Plan (includes Earthworks Management Plan and Haulage Management Plan)
- ♦ Koala Plan of Management
- ♦ Bushfire Risk Assessment and Management Plan
- ♦ Groundwater Management Plan
- ♦ Integrated Water Cycle Management Plan
- ♦ Overall Water Management Plan
- ♦ Stormwater Management Plan
- ♦ Erosion and Sedimentation Control Plan
- ♦ Drainage Maintenance Management Plan
- ♦ Buffer Management Plan, Precincts 1 and 5
- ♦ Buffer Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
- ♦ Feral Animal Management Plan

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-
- Weed Management Plan, Precincts 1 and 5
 - Weed Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
 - Threatened Species Management Plan, Precincts 1 and 5
 - Threatened Species Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
 - Vegetation Management Plan, Precincts 1 and 5
 - Vegetation Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14
 - Acid Sulphate Soils Management Plan

5.0 HAULAGE MANAGEMENT

Haulage of fill material to the site will be undertaken generally in accordance with the Haulage Management Plan at **Appendix 10**. Prior to commencement of importation of fill, Project 28 Pty Ltd will prepare, and provide to Tweed Shire Council, a revised Haulage Management Plan detailing the actual source of fill, haulage routes, traffic routes and volumes, any traffic impacts and any requisite environmental management and mitigation measures.

6.0 URBAN DESIGN

Project 28 Pty Ltd will arrange for a Section 88B Instrument will be attached to the land title of each proposed residential allotment within Precinct 5 requiring any future dwelling to be designed in accordance with the design guidelines.

7.0 AFFORDABLE HOUSING

Subject to a successful application for NRAS funding, Project 28 will:

- Provide between 1% and 3% of housing (45-135 dwellings) within the Kings Forest site as affordable housing for rent for a minimum of 10 years;
- Provide dwellings at a minimum 20% discounted market rent to eligible low and moderate income households for the entire 10 year period, in keeping with NRAS requirements;
- Prioritise smaller dwellings as affordable rental dwellings to meet the highest need group; and
- Locate affordable housing in Precinct 7 or other Precincts in close proximity to the proposed Town Centres or other Precincts as deemed suitable to provide access to services and transport for high need users.

8.0 WATER SUPPLY

Prior to the commencement of construction of the dwellings within Precinct 5, Project 28 Pty Ltd will undertake further analysis to confirm the timing and required size of a reservoir at the Duranbah Reservoir Complex to service the Kings Forest development.

9.0 TRAFFIC

Project 28 Pty Ltd will ensure that appropriate pedestrian crossing facilities (such as pedestrian refuge islands) will be installed when the intersection of Kings Forest Parkway and Tweed Coast Road is constructed.

10.0 NOISE

Road Traffic Noise

Project 28 Pty Ltd will undertake, with Development Applications for the detailed design and construction of dwellings along the Kings Forest Parkway, an assessment to determine the extent of acoustic building shell treatments necessary to achieve the required internal noise criteria for habitable spaces.

Construction Noise

In order to manage construction noise, Project 28 Pty Ltd will implement the following measures:

- ♦ Restrict construction and bulk earthworks works as follows:
 - Monday - Friday: 7am - 6pm;
 - Saturday: 8am - 1pm.
- ♦ Prepare and implement a Noise Management Plan which will include the following measures:
 - contacting occupants of the existing dwellings on the western side of Tweed Coast Road, at the earliest possible time before site work begins and explain the nature of the construction stages and the duration of noisier activities;
 - ensuring all equipment is in good working order and that mobile plant commence work as far from the dwellings as possible in the mornings;
 - locating fixed plant as far from neighbouring property boundaries as possible; and
 - Locating fixed plant behind buildings or materials stockpiles to take advantage of acoustical screening from physical barriers.

11.0 BUSHFIRE

Prior to release of a Subdivision Certificate for each stage of Precinct 5, or an Occupation Certificate for Precinct 1, Project 28 Pty Ltd will implement the strategies outlined in the Bushfire Management Plan, prepared by Bushfiresafe (Aust) Pty Ltd, dated August 2012 in order to meet the requirements of the Planning for Bushfire Protection and section 100B of the *Rural Fires Act 1997*.

12.0 GEOTECHNICAL CONDITIONS

Project 28 Pty Ltd will implement the following to manage the geotechnical conditions of the site:

- ♦ prior to and during the construction works, the recommendations set out in the Geotechnical Assessment, prepared by Cardno Bowler; and
- ♦ prior to, and during, the pre-bulk earthworks, bulk earthworks, landform stabilisation and civil construction phases, the strategies within the Kings Forest Stage 1 Management Plan, Section 4.

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13.0 GROUNDWATER

During all construction phases and operational phases of the development, the proponent will implement the Groundwater Management Plan (August 2012), prepared by Gilbert + Sutherland, in conjunction with the Summary Management Plan (August 2012), also prepared by Gilbert + Sutherland.

14.0 FLOODING

In conjunction with Tweed Shire Council, the State Emergency Service and the Police, Project 28 Pty Ltd will prepare, and seek to incorporate, an evacuation response plan for Kings Forest into the Local Disaster Plan. The Evacuation Response Plan will include alert level one, two, three and activation sequencing and will be finalised prior to the issue of a Subdivision Certificate for the final residential lot in Precinct 5.

15.0 WATER CYCLE MANAGEMENT

To ensure that stormwater run-off is adequately treated, Project 28 Pty Ltd will implement the provisions within the Overall Water Management Plan (August 2012), prepared by Gilbert + Sutherland during all the phases of construction and once the development is operational, as follows:

- For Precinct 5, a system of shallow stormwater management areas (bioinfiltration and vegetated swales) in conjunction with the Stormwater Management Plan, prepared by Gilbert + Sutherland.
- For Precinct 1, treatment before release by means of a treatment train involving installation of:
 - a gross pollutant trap to capture sediment and hydrocarbons from the paved areas; and
 - a rainwater storage tank and use of the stored water for toilet flushing and external uses.

16.0 EROSION AND SEDIMENT CONTROL

The proponent will implement the measures and actions in the Erosion and Sediment Control Plan (August 2012), prepared by Gilbert + Sutherland, during the bulk earthworks, civil construction and operational phases of development.

17.0 PROHIBITION OF CATS (CONCEPT PLAN CONDITION C9)

Project 28 Pty Ltd will arrange for a Section 88B or Section 88E Instrument under the NSW *Conveyancing Act 1919* will be attached to the land title of each residential allotment within Precinct 5 prohibiting the keeping of cats.

18.0 BIODIVERSITY MANAGEMENT PLANS

To protect and manage the biodiversity of the site, Project 28 Pty Ltd will implement (in accordance with the timeframes identified in the plans or any subsequent Planning Agreement) the following Management Plans, which are incorporated into the Kings Forest Stage 1 Management Plan:

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- ♦ Section 4 - Summary of Management Plan – Gilbert and Sutherland,
- ♦ Section 5 - Flora and Fauna Monitoring Report – James Warren & Associates,
- ♦ Section 7 - Koala Plan of Management – James Warren & Associates,
- ♦ Section 15 - Buffer Management Plan, Precincts 1 and 5 – James Warren & Associates,
- ♦ Section 16 - Buffer Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
- ♦ Section 17 - Feral Animal Management Plan – James Warren & Associates,
- ♦ Section 18 - Weed Management Plan, Precincts 1 and 5 – James Warren & Associates,
- ♦ Section 19 & 20 - Weed Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
- ♦ Section 21 - Threatened Species Management Plan, Precincts 1 and 5 – James Warren & Associates,
- ♦ Section 22 & 23 - Threatened Species Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates,
- ♦ Section 24 - Vegetation Management Plan, Precincts 1 and 5 – James Warren & Associates,
- ♦ Section 25 & 26 - Vegetation Management Plan, Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 – James Warren & Associates.

19.0 SAFE FISH PASSAGE

Project 28 Pty Ltd will arrange for road crossings within SEPP 14 wetlands will be designed to maximise fish passage, in accordance with DPI Guidelines (Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings). Further detail will be provided with the CC application.

20.0 WASTE MANAGEMENT

Project 28 Pty Ltd will arrange for a Waste Management Plan (WMP) to be prepared and submitted for approval prior to the issue of a Construction Certificate.

21.0 STORMWATER KINGS FOREST PARKWAY

Access shall be provided to the proposed shallow stormwater management areas (bioinfiltration and vegetated swales) along the median on Kings Forest Parkway for maintenance by Council during the initial earthworks stages. Details will accompany the Construction Certificate application.

22.0 SURFACE WATER

The proponent will implement the provisions of the Overall Water Management Plan (which includes a Surface Water Management Plan), at **Appendix 10**.

23.0 GROUNDWATER PENETRATION

The applicant will obtain the relevant licences under the Water Act 1912 and the Water Management Act 2000 (whichever is relevant at the time application is made) for all activities that intercept or extract groundwater and surface water prior to commencement of these activities.

24.0 IMPLEMENTATION OF MANAGEMENT PLAN

Project 28 Pty Ltd undertakes to comply with the provisions of the Management Plan at **Appendix 10** of the PPR.

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25.0 ABORIGINAL CULTURAL HERITAGE

Project 28 Pty Ltd will comply with the Cultural Heritage Management Plan approved as part of the Concept Plan (Condition C19)

26.0 ESSENTIAL ENERGY – EASEMENTS

Project 28 Pty Ltd will create appropriate easements over existing power lines subject to negotiation with Essential Energy and NPWS. The easements shall be created on the Plan of Subdivision creating the allotment on which the power lines are located.

27.0 MAINTENANCE OF LANDSCAPING

Project 28 Pty Ltd will maintain lawns and landscaping within widened road reserves within Kings Forest Parkway and Precinct 5 for a period of five years, or until Precinct 5 is 80% built out, whichever occurs first.

28.0 ACOUSTIC FENCE

Project 28 Pty Ltd commits to construct the acoustic fence on Old Bogangar Road, being public land and maintaining it until such time as that road is widened to four lanes, or traffic studies indicate that the volume of traffic on that road requires such widening, or for a period of four years after completion of construction of the fence, whichever is the earlier.



Northern Water Solutions

Home Owner's Handbook
For
Pressure Sewer System
Recycled Water Network





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This is your Homeowner's manual for the pressure sewer system located on your property. This information is provided to assist you with its safe, long-term and reliable operation.

Introduction

Northern Water Solutions Providing a Sustainable Water Community.

Your home is in a neighbourhood that receives its water services from an independent Private Water Utility.

It provides homes with high-quality water and wastewater services.

A feature of our services is the recycled water we provide.

Our recycled water saves homeowners up to 55 per cent of drinking water, reducing your drinking water bill and helping drought proof your home. It is purified locally; uses small pressurised pipes, not large gravity sewers; and, saves energy and carbon by reusing wastewater that is otherwise pumped long distances and released into waterways, ground aquifers and land.

By using recycled water, you are reducing the amount of drinking water you would normally use, saving precious water supplies as well as money on your water bills. Recycled water costs less than drinking water.

Recycled water is a renewable and secure water source that protects you and your community from the effects of drought. Water restrictions do not apply to recycled water.

Our network of pipes are also protected from flooding, as they are pressurised and not open to infiltration. This means there is no overflow into the environment at times of flood, as is commonly the case with gravity networks.

Our recycled water network saves energy and carbon by reusing wastewater that would otherwise be pumped over long distances through expensive infrastructure and released into waterways creating environmental damage.

New South Wales Licencing

Northern Water Solution Pty Ltd is a Licensed sustainable water utility and is licensed under the Water Industry Competition Act (2006) WIC Act. The Independent Pricing and Regulatory Tribunal (IPART) administers the Act and regulates our services, ensuring the highest consumer protection.

Environmentally friendly

- Locally reuse wastewater and convert it to a clean, colourless and odourless water supply
- Prevent thousands of tonnes of sewage from being pumped into waterways
- Create a secure, reliable water source now and into the Future
- Use green recycled water technology, including Membrane Bioreactor (MBR) Ultra Filtration UV protection technology, producing recycled water that exceeds Australia's highest standards. The MBR process does not directly produce methane or carbon dioxide emissions.
- Create no odours or disturbing noise outside of our Waste Water Treatment Plant.

Australian standards

Our processes meet the strict Australian Guidelines for Water Recycling set out by Federal and State Governments. Wastewater is processed to the highest Australian standards, undergoing seven extensive filtration and purification processes.



Contact Numbers

For emergency attendance to your pressure sewer system please call **Northern Water Solutions Pty Ltd on 1300 853 860** or email **info@northernwatersolution.com (24/7 hours)**. Let the operator know who you are, where you are located and the issue.



Phone: 1300 853 860



Email: info@northernwatersolution.com



Write to us: PO Box 977, Noosa QLD 4567



Visit our web site at: WWW.Northernwatersolution.com



The Parts of The Pressure Sewer System Located on Your Property

The Pressure sewer system has four main components:

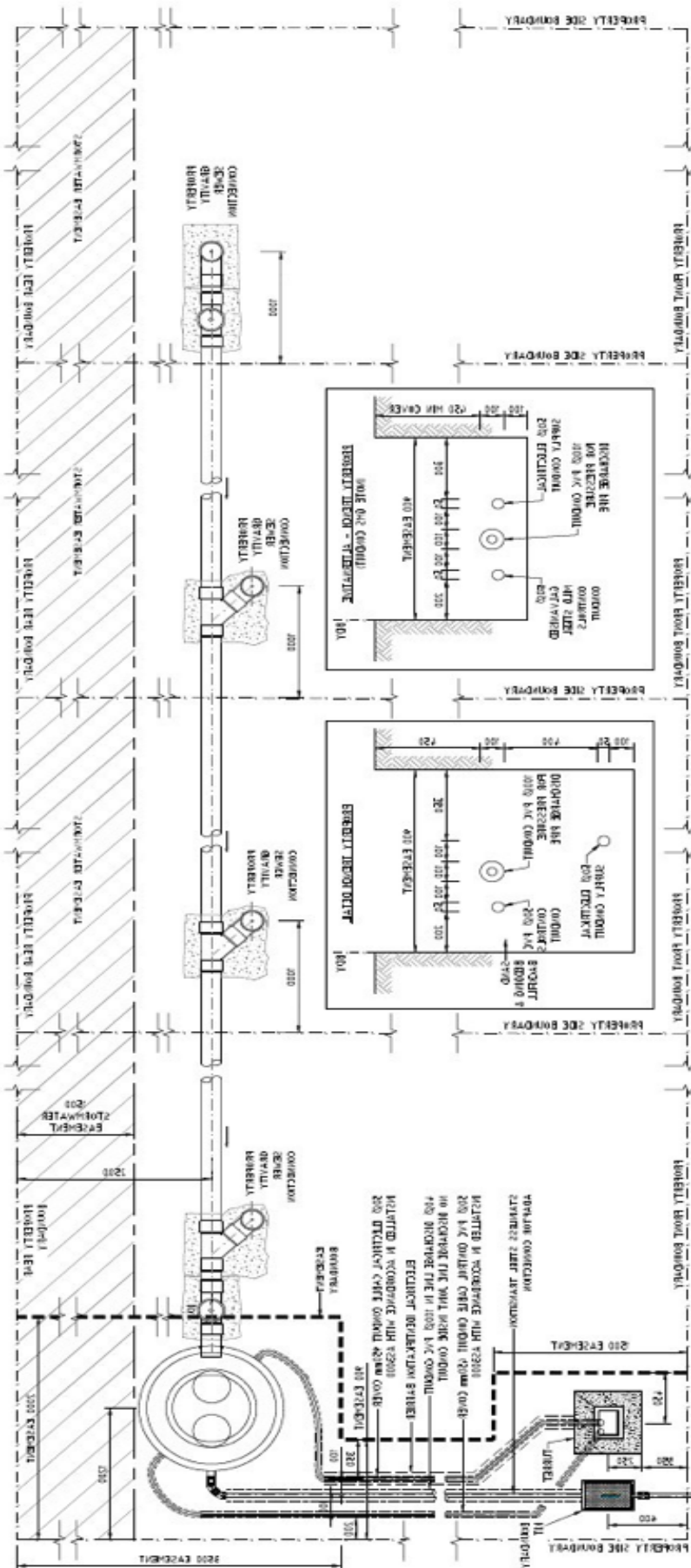
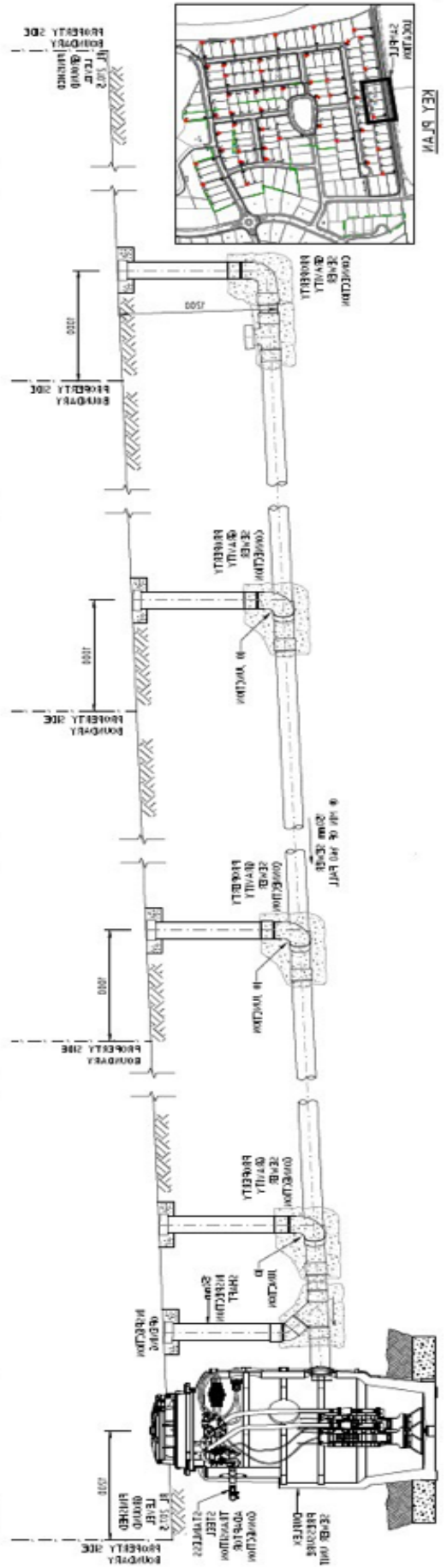
- The boundary kit is in a small black plastic pit with a green access lid located at the front of the property that has a Pressure Sewer Unit (PSU) Installed;
- The pressure sewer unit tank is circular (1,000mm Diameter x 2,200mm Deep) and made of black polyethylene with a green access lid on top located just above ground level. Located inside the tank are dual grinder pumps and associated controls and electrical connections. The unit is located at the front or back corner of your property inside a 2m x 2.5m easement. (Refer to Figure1)
- If your Pressure Sewer Unit (PSU) is located at the back of your property, a 40mm black poly pipe with brown stripping encased in a 100 UPVC tube is the property discharge line. Installed alongside the discharge line are two 50mm power conduits which will run down a 900mm easement along your boundary from the front green control Turret to the unit installed in the back of the property.

The 40mm discharge line will connect to the boundary kit at the front of the property and the conduits to the control pillar located in a 1500mm x 1500mm easement in the front of the property.

- The control pillar, located at the front of the property, houses the metered power supply, the control panel and mechanical switching to operate the PSU. This pillar should only be accessed by NWS personal.
- The customer gravity sewer drain from the dwelling on the property is connected to an existing sewer connection point provided on each lot by the builder/owner's plumber during construction.

The parts of your water system that sit on your property include

- ✓ Wastewater and sewer collection system
- ✓ Wastewater Collection Tank with grinder pump
- ✓ Boundary Kit
- ✓ Control panel
- ✓ Data management unit and telemetry system
- ✓ Water Supply
- ✓ Recycled Water Meter
- ✓ Recycled Water Pipes – coloured purple
- ✓ Drinking Water Meter
- ✓ Drinking Water Pipes





How a Pressure Sewer System Works

The Recycling Process

Wastewater is transferred from your home to the pressure sewerage unit (PSU) via the gravity drainage system. When the water level in the PSU reaches a pre-set level, the PSU will pump the waste water out to a street main via the boundary kit which has an isolating valve and test point to the street main. The street mains will transfer the waste water to the Waste Water Treatment Plant. The wastewater is then processed to Class A+ standard recycled water suitable for domestic reuse as to Australian Recycled Water Guidelines. The next step is to return the recycled water to homes and other community facilities, via the lilac colored street main reticulation network ready for the designated uses. E.g. Toilet flushing, Garden Watering, Car washing, wash down, Open space irrigation and Cold water supply to washing machines. Each property/lot has a 20mm Lilac colored recycled water meter with an isolation stop tap and dual check valve connection point at the front of each property/ lot.

The Pressure Sewer System Operation

There are 2 main components of the pressure sewer system.

- The pressure sewer network is made up of the Gravity sewer drains from the property/lot which is connected to the pressure sewer units (PSU), the Green power supply turrets that house the power supply connection, power meter and the control panels the monitor and control the pump units. The collectionsystem in the street which then transfers the waste water to a pressure main which transfers the waste water to the treatment plant for processing.
- The transferred wastewater from the properties/lots enters the Waste Water Treatment plant and is processed through a series of treatments including MBR Sewerage Treatment Plant followed by an Ultra Filtration process then by Ultra Violet disinfection unit and Chlorine addition. The Recycled Water is then stored in storage tanks located at the Waste Water Treatment plant site and ready for distribution by the Recycled Water pressure pumps via the Lilac colored reticulation piping network to each recycled water meter to each residential allotment, commercial center, education precincts and open space irrigation areas throughout the development.





The Pressure Sewer System Operation

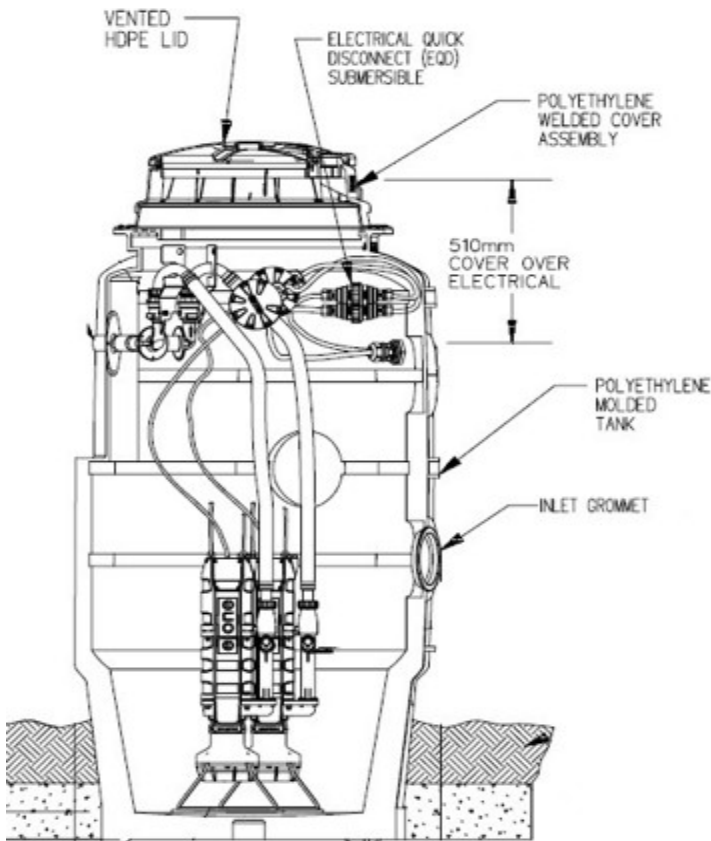


Figure 2 Cross Section View of the Collection/Pump Unit

Note: Not every household will have a pressure sewerage unit on their property as ONE collection tank is able to service on average 4 households.

The system is fully automated and requires no input from the home owner to operate.

The monitoring system at the WWTP is monitoring and controlling the entire pressure sewer network throughout the development. If there is any type of fault within the system the plant operator will be notified straight away through the 24-hour monitoring alarm system and a maintenance crew will visit the affected area and carry out the required repairs. The monitoring and control system can isolate any part of the network if required, control the startup of the system after a power outage or shut down for maintenance and repairs.



Things to Consider

Ensure that NWS maintenance staff can gain access to the PSU system at all times on your property.

Please ensure there are gates on your property to access if the PSU is located at the back of your property.



Minimizing Wastewater Generation

To Minimize water going to the system (e.g. during a power service interruption)

- Keep showers brief.
- After taking a bath, leave the plug in, or bucket water onto the lawn.
- Switch off any drainage (automated or manual) from swimming pools and spas. Do not leave taps running.
- Avoid using the washing machine unless you can direct the water to a plugged laundry tub (where it can be transferred by bucket onto the garden).
- Do not use dishwashers.

You can still use the wastewater system. Toilets can still be flushed and normal kitchen activities can proceed, just minimize water use.

If it appears that a power service interruption will be longer than eight hours, NWS may visit your property to manually pump out wastewater from the pressure sewer unit.



IMPORTANT: *Your recycled water system is powered from your home. Never turn off the power to the control panel except in emergency situations.*









Special Precautions

What items must NOT be flushed down your household drains?

It is very important that the following items are NOT flushed down any of your household drains (sinks, toilets, showers, baths etc.) and into the sewerage system, whether conventional or pressure:

Items that you should not put down the Sewer

Please DO NOT put the following into your toilet, kitchen, bathroom or laundry sink.

-  Tampons, sanitary pads, condoms, baby wipes, nappies
-  Glass, metal, wood, rocks, seafood shells, kitty litter
-  Cloth or synthetic material, nappies, socks, pantyhose, clothes, plastic objects
-  Any chemical other than standard cleaning or laundry products, including toxic, caustic, acidic or poisonous substances
-  Degreasing solvents or paints (water soluble or oil based)
-  Explosive or flammable material including hydrocarbon fuels, paint thinner or anti-freeze
-  Oils and grease, milk, food scraps, cooking oil
-  Hair clippings

The customer may be responsible for meeting the cost of repairs if any of the above items enter the storage tank causing the pumping unit to fail.



If you are unsure about what items can go into the pressure sewer system, please call NWS on 1300 853 860 or visit our Web Site www.northernwatersolution.com



Community Education

Important facts most Home Owners don't understand Pressure Sewer

- Integrated, efficient, flush and forget, modern sewerage system technology;
- Eliminate failures of old gravity technology;
- Home owner manual explains system; and
- Things we do not put into the system.

Washing the wrong things down the sink in your commercial kitchen can result in:

- expensive plumbing bills to unblock pipes and clear grease traps
- smelly drains
- unhealthy waterways and harm to the environment.



Repairs

NWS will service and repair the main gravity wastewater pipes and all of the pressure sewerage equipment on your property, provided it is used in accordance with this Home Owner's Manual.

The NWS Customer Contract and the Pressure Sewerage System Agreement between the householder and NWS outline your rights to ongoing maintenance and repairs of the pressure sewerage equipment on your property.

NWS is not responsible for the customer gravity drain to the collection tank. Repairs to the customer gravity drain are your responsibility and works should be carried out by a fully licensed plumber in NSW.

Warranties / Repair Costs

The cost of operating and servicing the pressure sewer system is included in the quarterly wastewater service charge paid by the property owner to NWS.

NWS licensed representatives will carry out repairs on the pumping units when required. Any work by others that has not been authorized by NWS in writing may void warranties and you may become liable for any repair costs.

The exceptions to this will be if you have:

- Discharged something into the collection/pump unit that you have been advised not to.
- Interfered with the collection/pump unit, or its controls.
- Interfered with or damaged the property discharge line or property boundary assembly.
- Sealed off the venting to the collection/pump unit.

Service Arrangements

In most cases repairs will involve replacing the grinder pump. This can be done on your property and should take less than one hour to complete once a service crew is on site. If any repair or maintenance works need to be carried out on your property NWS staff will make contact with the property owner in advance or if it is an emergency



Frequently asked Question

Extensions to your House

For any extensions, you plan to conduct on your house, you must contact NWS to consult on the suitability of your existing pumping unit and the location of existing services prior to the commencement of any construction activities.

House Service Line

The house service line is a 40mm diameter polyethylene pipe, which connects the pressure sewer unit to the boundary kit. From the boundary kit located at the front of the property boundary a 40mm diameter pipe will connect to the pressure sewer main in the street.

Please Note: If a PSU is located at the back of your property there will be a 40mm sewer discharge line & two power conduits running down your boundary fence to the front pressure sewer boundary kit and the green power/control turret.

It is recommended that you familiarize yourself with the exact location of the house service line so that it can be avoided if work is being done on your property like future landscaping works.

The house service line can be found using one of the following methods:

- Detectable marker tape is buried just above the pipeline and can be located by your builder.
- If you cannot detect the tape, contact us on 1300 853 860 and an officer will peg the line for you at a cost.

DIAL BEFORE YOU DIG *The Essential First Step.*

Dial Before You Dig is a referral service for information on locating underground utilities anywhere in Australia. Excavators, Electricians, Plumbers, Planners, Developers, Farmers, Land Surveyors, Builders Contractors, Home Owners and Landscapers all over the country are taking advantage of our convenient referral service.



Caution: Contact with live power lines can cause death or serious injury



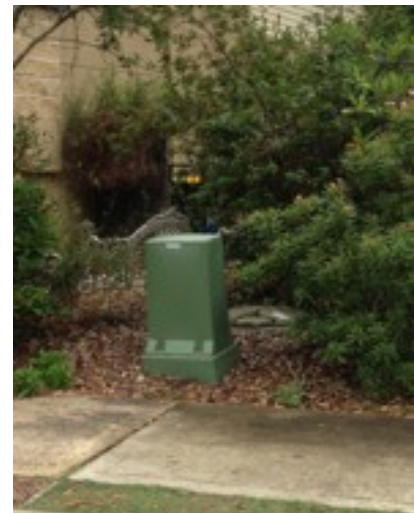
Landscaping

Landscaping over the house service line and around the Green Turret is permitted, however if repairs are required, you will be responsible for the costs of any reinstatement works to repair any damage caused by these works.

The storage tank lid and boundary valve kit must not be covered or put into a low-lying depression by any landscaping works. You must also ensure that sufficient space is left around each of these components to enable our maintenance staff access at all times.



*The Green Turret will need to remain accessible at all times.
No plants or shrubs can be planted in front of the control pillar door*



In emergencies, please call 1300 853 8601. Our team is on call 24/7 ready to assist you.



Garages, Car Parks, Decking and Garden Sheds?

Garages, car parks, decking and garden sheds are not to be built over the pumping unit, pipe work or boundary valve kit. NWS approval is required to build any of these structures over or near the house service line.

Please email NWS info@northernwatersolution.com for further assistance.

Why can't Rainwater go into the Pressure Sewer System?

The pressure sewer systems are only designed to accept household wastewater, NOT storm water or rainwater. Rainwater must NOT be directed into the sewerage system for the following reasons:

- It will lead to an alarm being activated on the WWTP monitoring system and an audit of your plumbing system will be conducted to check for cross connections.
- In extreme situations, the pumping unit may overflow.
- It will overload the WWTP process especially during Wet Weather events.

Why must I keep Heavy Weights off the lid?

The lid of the storage tank is not strong enough to withstand the weight of very heavy objects (greater than 500 kilo).

As a guide, the following items should be kept off the lid.

- Cars and other vehicles
- Ride-on lawnmowers.
- Heavy building materials.



**Pressure Sewer System
Please Keep Lid Clear**



IMPORTANT: The collection tank cover is safe to walk over, but vehicles and heavy objects must be kept off. We need access to the tank 24/7 for operation and maintenance if it is needed.



Can I install a Swimming Pool or Large Spa?

Installing a swimming pool or large spa can result in large amounts of water being discharged quickly to the pumping unit during activities such as backwashing filters or emptying. In some cases, water could enter the collection/pump unit faster than the system can pump it out. This will cause an alarm to register on the monitoring control system, and may also cause an overflow.

If you are installing a swimming pool or a spa unit you will have to install an additional collection tank on your property, at your cost. When the pool or spa need to backwash or empty it needs to pump to a poly holding tank to hold the backwash (or other cycle) and a preset drain valve located at the bottom of the tank will progressively release water into the property sanitary drain at a rate of less than 30 liters per minute. This will avoid nuisance alarms and unnecessary NWS call outs to the property.

Pools or any structure are not to be built on/over NWS easements unless approval is granted.

To inquire about a pools, spas and collection tank requirements please contact **NWS on info@northernwatersolution.com** before installation and we will assist you with your enquiry.

Important: You are not permitted to fill your swimming pool with recycled water and must use drinking water. If you want to install a swimming pool or spa system, you must comply with our Pool and Spa Policy.

- Any connection to the sewer system must be limited to a flow rate of less than 0.5 l/s. This can be achieved by installing an intermediary buffer tank which controls the discharge flow rate to 0.5 l/s.
 - If you can't do this, then the pool filter system will need to be a cartridge filter that will make sure there is no flow greater than 0.5 l/s entering the wastewater tank.
- Any flows greater than this limit are not acceptable and are likely to cause the system to overflow, causing damage.

What happens if I have a Party at my House?

The pressure sewer system is designed with enough capacity to accommodate sudden increases in wastewater caused by parties or large numbers of visitors. This will not affect the pressure sewer system.

What do I do if I think a Pipe has burst?

If you notice wet ground especially near any easement or water escaping from your plumbing which is not normal, it is possible that a burst or leak may have occurred. Such breaks are rare and are more likely to occur due to other work being carried out near the pipes. If you become aware of such a fault, please ~~contact~~ **call NWS on 1300 853 860** immediately and we will assist you with your enquiry.

Following this, try to minimize water usage until the problem is assessed and fixed.

***If the property discharge line is damaged, call emergency number  1300 853 860**

Power Outage

From time to time power outages occur. Don't forget your recycled water system runs on power from your house. If there is a power service interruption, please minimise your water use.

Minimising water use

- Keep showers brief
- Don't leave taps running
- Reducing your water use where possible



In emergencies, please call 1300 853 860. Our team is on call 24/7 ready to assist you



Everyday Household Tips

Wash the car with recycled water on the lawn, if possible. Washing the car on the lawn waters the lawn as well as reducing run off into stormwater drains. Inform contractors about your recycled water system. Any builders or contractors undertaking work on your recycled water system need to understand where recycled water infrastructure is positioned.






Animals and other safety risks

Even the most Obedient pets can turn on visitors, please make sure our contractors can work safely on your property.

This also includes removing rubbish, spiders and insect nests or overgrown shrubs.

Keep dogs safely secured during the day or place them in a different area to where the meters are located

Do not use private padlocks or locking devices on the meters. This ensures our contractors and emergency crews can access the meters especially in the case of fire.

-  Trim back your shrubs and gardens
-  Remove wasp, spiders and insect nest
-  Build fences and gates behind, rather than in front of, network equipment. If this is not the case, leave your gate unlocked to provide access.



In emergencies, please call 1300 853 860. Our team is on call 24/7 ready to assist you



NWS Accounts and Information

Your Bills and Emails.

Once you register for connection to our services, all the information you need is online. As part of our environmental awareness to reduce paper, all accounts and correspondence will be emailed, unless otherwise requested.

You will receive regular updates and information as required.

You can email us any time on Info@northernwatersolution.com

- In emergencies, please call 1300 853 860. Our team is on call 24/7 ready to assist you.
- For general information, please Contact Us via the website or call us on 1300 853 860
- For connecting, please Contact Us via the website, or call us on 1300 853 860

Pay online with Direct Debit

When you are preparing to build your new home, or move into it, you need to register and set up a Direct Debit agreement with us to pay for your service. You can do this on our website.

Fees and charges

We have a price parity policy for drinking water, which means you won't be charged more than the regulated price offered by the Sydney Water or Hunter Water or other public water authority.

For further information visit our website: Fees and Charges

Concessions

To get a concession you must own your own home.

Your home must be either a single dwelling, dual occupancy, strata or company title unit, or a unit in a retirement village with a life term lease.

You can apply for a concession during your online registration with us.



Contact our 24-hour Customer Service Team



Phone: 1300 853 860



Email: info@northernwatersolution.com



Write to us: PO Box 977, Noosa QLD 4567



Visit our web site at: WWW.Northernwatersolution.com



In emergencies, please call 1300 853 860. Our team is on call 24/7 ready to assist you.