

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Heather Warton
Director
Industry, Social Projects & Key Sites

Sydney 24 September 2013

SCHEDULE 1

Project Approval:	06_0258 granted by the then Minister for Planning on 20 September 2009.
Proponent:	Clarence Property Corporation Pty Ltd
For the following:	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff, Tweed local government area.
Modification:	06_0258 MOD 5 - Amendments involving: • The construction of a retaining wall on the south-east boundary of the site and associated works adjacent to the cul-de-sac head of Road 6.

SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

(a) Insert the following plans at the end of the Table under Condition A2:

Drawing prepared by Newton Denny Chapelle (06_0258 MOD 5)			
C56	Rev 6	Road 6- Cul de Sac Head Grades	27.08.2013
Drawing prepared by ADG (06_0258 MOD 5)			
S02	08	Retaining Wall Layout and Details	22.07.2013
S04	06	Wall and Stair Details	22.07.2013

(b) Insert new clause (7) following clause (6) under Condition A3 as follows:

Section 75W Modification Request Documentation

- (7) Section 75W Modification No. 4- Concept and Project Approval MP06_0258 Casuarina Town Centre, Tweed Coast Road, Casuarina prepared by Newton Denny Chapelle on behalf of Clarence Property, dated 18 July 2013; and supplementary information amending the modification request, prepared by Newton Denny Chapelle, dated 27 August 2013.

(c) Insert new part (5) into Condition B2 as follows:

- (5) The design of the retaining wall along the south-east boundary of the site adjacent to Road 6 (as referred to in Condition A2 as MOD 5) is to be amended to incorporate the following:
- A lockable gate to accommodate Council's standard padlock.
 - The 100mm thick concrete infill is to have a minimum crossfall grade of 1% falling towards the face of the retaining wall.

The final design including to confirm compliance with the above requirements shall be submitted for the approval of Council prior to the issue of a Construction Certificate for these works.

(d) Insert new Condition B7A as follows:

B7A- Retaining Wall: South-east boundary adjacent to Road 6

Notwithstanding Condition B7 above, prior to the commencement of work in relation to the retaining wall referred to in Condition A2 as MOD 5, the Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads including properties identified as No's 32, 34 and 36 Eclipse Lane.

The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for these works. A copy of this report is to be forwarded to Council and the Department.

(e) Insert new Condition B7B as follows:

B7B- Repair works to No.36 Eclipse Lane

Within 1 week of the completion of the Dilapidation Report required to be undertaken in accordance with Condition B7A, the proponent is to submit a Report to the Certifying Authority and the Department which compares the current state of the property identified as No.36 Eclipse Lane with the pre-construction Dilapidation Report undertaken in accordance with Conditions B7.

The Report is to compare the structural state of the property and is to clearly identify any damage to the property which has occurred as a consequence of construction activities. The report is to include a recommended course of action and a timeframe to carry out the repair works. Any repair work considered to be high risk (ie. potential to cause harm or threaten the safety of the occupants of the property) is to be carried out within a week of the completion of the Report unless otherwise agreed to in revised action plan prepared in consultation with the property owner of No.36 Eclipse Lane.

(f) Insert new Condition C3A as follows:

C3A- Retaining Wall: South-east boundary adjacent to Road 6

Notwithstanding Condition C3 above, prior to the commencement of works in relation to the retaining wall referred to in Condition A2 as MOD 5, the Proponent is to prepare a Vibration Management Plan which demonstrates how compliance with Condition D15 will be achieved. The Plan is also to identify what monitoring measures will be implemented to record vibration impacts to neighbouring properties including, with respect to properties identified as No's 32, 34 and 36 Eclipse Lane. The Plan is to include measures for reactive management of elevated vibration levels. The results of the monitoring are to be made available to Council or the Department on request.

(g) Insert new Condition E7A as follows:

E7A – Retaining Wall: Post Construction Dilapidation Report

Notwithstanding Condition E7 above, within 1 week of the completion of the works relating to the construction of the retaining wall referred to in Condition A2 as MOD 5, the Proponent is to engage a suitably qualified engineer to ascertain if any damage has occurred to the adjoining and adjacent buildings and structures including, with respect to properties identified as No's 32, 34 and 36 Eclipse Lane. The report is to be compared to the pre-construction dilapidation reports undertaken in respect to Conditions B7 and B7A. The report is to include a recommended course of action to carry out the repairs (if required) within 1 month of the date of completion of the report, unless otherwise agreed to in writing by the Director, Industry Social Projects and Key Sites of the Department of Planning and Infrastructure. The report is to be submitted to the Principal Certifying Authority within 2 week of the completion of the works.

END OF MODIFICATION: Project Approval 06_0258 MOD 5