



SECTION 75W MODIFICATION No. 3

PROJECT APPROVAL MP 06_0258 (AS ALREADY MODIFIED)

CASUARINA TOWN CENTRE

VOLUME 1: REPORTS

**Prepared for
Kings Beach No. 2 Pty Ltd**

**By
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Appendix 3A: Relevant Approved Project Application Plans – Donovan Hill Architects

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1. INTRODUCTION

1.1 Overview of Proposed Modifications

This report has been prepared to accompany a request to the Minister for Planning to further modify the Concept Approval and Project Approval (MP 06_0258) for the Casuarina Town Centre, pursuant to the provisions of Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). The primary purpose of the modifications, which have been discussed with officers of the Department of Planning and Infrastructure and of Tweed Shire Council, is to facilitate design amendments to the approved retail shopping centre. The amendments are predominantly required in order to satisfy the requirements of the major supermarket tenant.

In summary, the following modifications are proposed:

- The approved building is proposed to be reduced in size, with reductions in building footprint, floor area, height, bulk and scale.
- The first floor office space will be relocated and reduced in size by 200m², and will be used as ancillary office space by the supermarket tenant.
- The supermarket floor space will decrease in size by 200m².
- One of the two approved restaurant tenancies will be replaced with a retail shop.
- The basement car park will be deleted, and the at-grade car parking will be reconfigured to provide additional parking, resulting in an overall reduction of 14 parking spaces.
- Loading dock and back of house will be adjusted.
- Total floor space will decrease from 4,301m² to 3,705m².
- The building character and language will be retained, but adjusted.
- The amount of landscaping will increase.
- Shade structures will be erected over some car parking spaces.
- One additional sign will be attached to the building to replace the pylon sign which was deleted prior to the granting of the original Project Approval.

Conditions A1, A2, A3 and E21 of the Project Approval are required to be modified to reflect the amended design of the retail centre.

This report also seeks a sign-off from the Department of Planning in satisfaction of Condition B2(1) of the Project Approval and Condition B3 of the Concept Plan Approval, with reference to an approval for an amended design for the retail centre.

1.2 Current Approval Framework

1.2.1 Concept and Project Approvals (as originally granted)

Approval was granted on 20 September 2009 by the Minister for Planning to a Concept Plan and Project Application for the Casuarina Town Centre. Copies of the approvals are provided at Appendices 1A and 1B, respectively.

Concept Plan approval was granted for:

- The subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots;
- Construction of a retail centre comprising a supermarket, restaurants and shops;
- Construction of a hotel;
- Construction of the associated road network and car parking;
- Construction of all necessary services; and
- Landscaping and open space.

Separately, Stage 1 Project Approval was granted for:

- The subdivision of land into 61 lots;
- Construction of a retail centre comprising 2500m² supermarket, 1160m² of retail shops/restaurants, office space and car parking;
- Bulk earthworks and vegetation clearing;
- Construction of all roads;
- Closure of Dianella Drive;
- Provision of infrastructure and services; and
- Landscaping.

1.2.2 Concept and Project Approvals – Modification 1

Approval was granted on 17 June 2010 to modifications to the Concept Plan and Project Approval (Modification 1, referred to herein as “the first modifications”).

Copies of the Concept Approval and Project Approval as modified (included Modifications 1 and 2) are provided respectively in Appendices 2A and 2B.

The first modifications involved:

- carrying out of stormwater infiltration works and landscaping within adjoining Lots 10 and 13;
- filling of the existing drainage easement within the site and relinquishing the easement rights that benefitted Council in exchange for dedication of these areas to Council (once landscape works were complete); and
- carrying out of works and landscaping to facilitate the construction of a cul-de-sac at the western end of Dianella Drive and subsequently closing the existing intersection of Dianella Drive and Tweed Coast Road.

Essentially, the first modifications were the result of Tweed Shire Council granting the Proponent land owner's consent to undertake stormwater, sewerage and landscaping works on Council-owned land, such consent having previously been withheld during the original assessment of the Concept and Project Applications.

1.2.3 Concept and Project Approvals – Modification 2

Approval was granted on 1 July 2011 to further modifications to the Concept Plan and Project Approval (Modification 2, referred to herein as “the second modifications”).

Copies of the Concept Approval and Project Approval as modified (included Modifications 1 and 2) are provided respectively in Appendices 2A and 2B.

The second modifications had the effect of allowing Stage 1 of the development to be carried out in two stages: Stage 1A and the ‘balance of Stage 1’. The modified plans and conditions reflected the staging.

It is noted that the retail centre would be undertaken as part of the Stage 1A development, although the approvals as modified facilitate the issue of separate Construction Certificates for the retail centre and other Stage 1A works.

1.2.4 Rationale for requested further modification of the Concept and Project Approvals

The approved retail centre will be anchored by a Coles supermarket. The need for the modifications arises from detailed design and feasibility analysis undertaken by Coles. The modification will result in a slightly reduced retail and office floor area and the subsequent ability to delete the basement car park.

The reduced bulk and scale of the modified building will also address concerns raised by Council and the then Department of Planning during the original Project Application assessment phase, as reflected in consent conditions imposed on both the Concept and Project Approvals which require a reduction in the scale of the previously proposed “A-frame element” on the western side of the building.

1.3 Consistency with Concept and Project Approvals

The proposed modification is consistent with all aspects of the Concept and Project Approvals, with the exception of the design and scale of the retail centre. This is the subject of the proposed modification.

1.4 Documentation

This Section 75W report:

- describes and justifies the requested modifications to the Project Approval, including minor descriptive changes to the Statement of Commitments; and
- sets out how the information lodged addresses certain conditions of Approval, being Condition B3 of the Concept Plan Approval and B2(1) of the Project Approval with reference to an approval for the design of the retail centre.

Appendices included in the Section 75W report contain:

- the original Consent and Project Approvals (see Appendices 1A and 1B respectively); and
- the Consent and Project Approvals, as previously modified (see Appendices 2A and 2B respectively).

Provided in a separate A3 volume are:

- a partial set of approved Project Application plans, being those plans relevant to the Project Approval which are proposed to be replaced (see Appendices 3A and 3B);
- a set of plans which comprise the modified plans for which approval is sought (see Appendices 4A and 4B); and
- a set of comparative drawings allowing for easy comparison between the approved and modified building envelope (see Appendix 5).

1.5 Consultation

The proposal to further modify the Project Approval was briefly discussed with Chris Wilson by David O'Donnell of Mallesons Stephen Jaques. Mr Wilson advised that a S75W application would need to be lodged to accommodate the amended design.

The proponent's representatives met with Vince Connell and Lindsay McGavin of Tweed Shire Council on 23 September 2011. We are advised that both Council officers seemed supportive of the proposal to reduce the size of the centre. We note in this regard that Council expressed concerns about the scale of the centre when the original Project Application was placed on exhibition, preferring less floor space.



We note that the meeting with Council did not include discussion of the new sign which is now proposed, however the location of the sign is consistent with written feedback given by the Department of Planning during the assessment of the original Project Application.

2. REQUESTED MODIFICATIONS TO PROJECT APPROVAL

2.1 Approved Retail Centre

2.1.1 Description

The approved building comprises basement car parking, a ground floor supermarket, specialty shops and restaurant with first floor office space. In addition to the basement car park, car parking is approved at grade. Landscaping and signage is approved.

The Director General's assessment report for the Project Application describes the retail centre as follows:

"A supermarket, retail stores, restaurants, and office are proposed for lot 1 (retail uses lot), which is positioned on the intersection of Tweed Coast Road and the town centre Boulevard.

The retail lot covers an area of 16.3ha and is to contain a 2500m² supermarket; five retail stores of a combined gross floor area (GFA) of 850m²; two restaurants covering a combined GFA of 310m²; 400m² of office space; and, amenities and storage areas covering 241m².

Pedestrian access into the supermarket and retail stores will be obtained at the north-eastern corner of the building.

A total of 234 car parking spaces will be provided within the retail lot, consisting of 162 spaces at ground level (6 of these spaces designated for disabled car parking), and 72 spaces at the basement level (including 3 spaces designated for disabled car parking). The basement car parking area will be accessed via a two-way internal ramp positioned at the south-western corner of the building."

2.1.2 Approved Plans

Condition A2 to the Project Approval requires that the project is to be undertaken generally accordance with a number of sets of drawings prepared by various consultants.

Stamped approved Project Approval drawings relating to the Retail Centre, prepared by Donovan Hill architects, are attached at Appendix 3A, and a list of plans is provided below:

Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09

Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09
DA13	H	Shadow Diagrams	30/01/09
DA14	I	Building Signage Details	13/08/09

Other drawings, prepared by Cardno Eppell Olsen, relate to traffic and parking across the town Centre. Stamped approved traffic and parking drawings relevant to the Retail Centre are provided at Appendix 3B, and listed below:

Traffic Engineering Drawings prepared by Cardno Eppell Olsen			
Drawing No.	Revision	Name of Plan	Date
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept Path (Forward In)	14/08/09
8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	C	19M Articulated Vehicle Swept Path	14/08/09

2.1.3 Relevant Conditions

A copy of the Project Approval conditions, as modified, are provided at Appendix 2B. The conditions relevant to the subject S75W application are described below.

“A1 Project Description

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

...

- (3) *Construction of the retail centre with a total floorspace of 4135m² comprising a maximum of 3660m² of retail floor space. The retail floor space is composed of:*
 - (a) *supermarket of 2500m²;*
 - (b) *shops of 850m²; and*

(c) restaurants of 310m².

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

...

(8) *Signage for the retail centre;...*

A2 Project in Accordance with Plans

[Refer to Section 2.1.2, above, for list of relevant approved plans]

A3 Project in Accordance with Documents

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

[being the Environmental Assessment Report, Preferred Project Report, and two Section 75W modification reports].

B2 Design Modifications

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

- (1) *The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for the retail centre".*

2.2 Proposed Design Modifications to Retail Centre

2.2.1 Summary

Various design revisions are proposed in order to address the needs of the major tenant, Coles.

Modified plans are attached at Appendix 4A and 4B, while comparative drawings indicating the variation in building footprint and bulk are attached at Appendix 5. The latter drawings are provided for information purposes and do not provide part of the set submitted for approval.

In summary, the following modifications are proposed:

- The approved building is proposed to be reduced in size, with reductions in building footprint, floor area, height, bulk and scale.
- The first floor office space will be relocated and reduced in size by 200m², and will be used as ancillary office space by the supermarket tenant.

- The supermarket floor space will decrease in size by 200m².
- One of the two approved restaurant tenancies will be replaced with a retail shop.
- The basement car park will be deleted, and the at-grade car parking will be reconfigured to provide additional parking, resulting in an overall reduction of 14 parking spaces.
- Loading dock and back of house will be adjusted.
- Total floor space will decrease from 4,301m² to 3,705m².
- The building character and language will be retained, but adjusted.
- The amount of landscaping will increase.
- Shade structures will be erected over some car parking spaces.
- One additional sign will be attached to the building to replace the pylon sign which was deleted prior to the granting of the original Project Approval.

The above matters are addressed in further detail below.

2.2.2 Amended Plans

A list of the amended plans lodged with this S75W application is provided below, with approved revision numbers and dates struck out, and new revision numbers and dates in bold type. (In the case of drawings DA01-DA04, the original drawings were not listed in the approved plans).

<i>Supermarket Architecture Drawings prepared by Donovan Hill</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA01	PA-3	Cover Page	16/11/2011
DA02	PA-3	Perspective Sketches	16/11/2011
DA03	PA-3	Perspective Sketches	16/11/2011
DA04	PA-3	Locality Plan	16/11/2011
DA05	J PA-3	Site Plan and Schedules	13/08/09 16/11/2011
DA06	H PA-3	Elevations North and East	30/01/09 16/11/2011
DA07	H PA-3	Elevations South and West	30/01/09 16/11/2011
DA08	H PA-3	Ground Floor Plan	30/01/09 16/11/2011
DA09	H PA-3	First Floor Plan	30/01/09 16/11/2011
DA10	H PA-3	Roof Plan	30/01/09 16/11/2011

Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA11	H PA-3	Basement Plan	30/01/09 16/11/2011
DA12	H PA-3	Sections	30/01/09 16/11/2011
DA13	H PA-3	Shadow Diagrams	30/01/09 16/11/2011
DA14	I PA-3	Building Signage Details	13/08/09 16/11/2011

Traffic Engineering Drawings prepared by Cardno Eppell Olsen			
Drawing No.	Revision	Name of Plan	Date
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept Path (Forward In)	14/08/09
8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	G	19M Articulated Vehicle Swept Path	14/08/09
SK011	-	Austroads 19m Semi - Site and Loading Ingress Manoeuvre A	15/11/11
SK012	-	Austroads 19m Semi - Site and Loading Ingress Manoeuvre B	15/11/11
SK013	-	Austroads 19m Semi - Site and Loading Egress Manoeuvre	15/11/11
SK014	-	10.7m Truck - Site and Loading Ingress Manoeuvre	15/11/11
SK015	-	10.7m Truck - Site and Loading Egress Manoeuvre	15/11/11
SK016	-	Austroads 8.8m Truck - Site and Loading Ingress Manoeuvre	15/11/11
SK017	-	Austroads 8.8m Truck - Site and Loading Egress Manoeuvre	15/11/11
SK018	-	Proposed Loading Area Signage	15/11/11

2.2.3 Overall Building Design and Planning Modifications

The approved building will be modified as follows:

- basement car park level deleted;

- ground floor building footprint adjusted and reduced in size by 200m², resulting in a reduced supermarket trading floor and reconfigured shop tenancies along Main Street;
- replacement of one restaurant tenancy at the north western corner of the building with a shop;
- 400m² first floor offices deleted from the corner of Casuarina Way and Main Street;
- 200m² first floor offices added at the north western corner of the building; and
- reconfigured loading dock and back of house area.

2.2.4 Height, bulk and scale

The building height, bulk and scale will be reduced as a result of the above changes. In particular:

- the 'A-frame' structure shown in the approved drawings will be substantially reduced in height and rescaled to accommodate office floorspace for the supermarket;
- the reduction in the extent of entry canopy off Casuarina Way reduces the length of building to Casuarina Way
- the deletion of the first floor office space reduces the height of the building to Casuarina Way.

The comparative set of drawings at Appendix 5 show the difference in footprint and building height resulting from the proposed modifications.

2.2.5 Car Parking Numeric Modifications

The total number of car parking spaces will be reduced by 14, however due to the decrease in floor space, an adequate supply of car parking will be retained.

The 72 space basement car park will be deleted, and the ramp access at the south western corner of the building will no longer be required. The at-grade car park will be reconfigured to provide a more efficient layout, with additional parking provided to result in an increase from 162 to 220 car parking spaces.

Using the same car parking ratios as those used in determining the original Project Application, Donovan Hill architects provide the following car parking schedule (see overleaf).

The following table indicates that the modified car parking provision exceeds the minimum car parking rates by 15 spaces. It is noted that the original scheme represented in the Project Approval exceeded the minimum parking provision by 8 spaces.

	Area (m2)	Parking Rate (as per Tweed DCP)	Minimum Requirement	Provision
Supermarket	2300	4.4 per 100m2	101	
Specialty shops	1000	4.4 per 100m2	44	
Restaurant	160	65% of 1 per 7m2	15	
Office	200	1 per 40m2	5	
Staff			40	
Total	3660		205	220

A total of 8 disabled parking spaces are proposed, which exceeds the Tweed DCP requirement of 1 disabled parking space per 30 parking spaces.

2.2.6 Car Park Layout and Access Modifications

As noted above, the at-grade car park will be reconfigured to provide a more efficient layout, with additional parking provided to result in an increase from 162 to 220 car parking spaces.

There are no changes proposed to the car park access arrangements.

Mr Brett McClurg of Cardno Eppell Olsen has reviewed the car park design and advises as follows:

“The traffic arrangements for the shopping centre development as now proposed do not represent a significant change from those previously approved, with the exception of the removal of the basement car park and the consequent reduction in car parking spaces. Notwithstanding the latter, the floor area of the development has also reduced such that despite a reduction in car parking spaces the proposed parking supply is still marginally in excess of the Council car parking requirements. On that basis, the car parking as now proposed is acceptable.

The vehicular access locations and form remain generally as per the previous approval, and remain acceptable and appropriate. ”

2.2.7 Loading Dock Modifications

A minor reconfiguration to the loading dock and adjoining supermarket back of house area is proposed.

Revised swept paths for service vehicles (Semi Trailer, Refuse Truck, Medium Rigid Vehicle) have been undertaken in relation to the reconfigured car park and loading dock design, and these confirm that the dock and circulation roadways are appropriately designed to accommodate the service vehicles. Revised swept paths are shown in drawings prepared by Cardno Eppell Olsen, as listed at Section 2.2.2, copies of which are provided at Appendix 4B.

2.2.8 Floor Area Modifications

Floor area will decrease from 4,301m² to 3,705m² as set out in the following table.

	Approved Area (m2)	Proposed Modified Area (m2)
Supermarket	2500 2300	2300 2500
Specialty shops	850	1000
Restaurant	310	160
Total Retail Area	3660	3460
Office	400	200
Amenities	58	45
Store	183	-
Total Floor Area (m2)	4301	3705

2.2.9 Building Character and Language Modifications

Donovan Hill Architects advise that the revised design will retain the building character and language of the original design, with adjustments as follows:

- The soffit linings are proposed to be deleted in order to provide larger volumes in the public spaces over the laneways, footpaths and entry.
- Articulation of the wall panels to the supermarket perimeter have been simplified.
- The extent of landscaping is to be increased.

2.2.10 Landscaping Modifications

While the landscaped area between Casuarina Way and the south east corner of the building will be marginally reduced in size, the extent of landscaped area will be increased within the at-grade car park and along the southern edge of the supermarket. In the latter case, the

reduced building footprint allows for substantial new landscaping. Revised landscaping is shown on modified drawings DA05 and DA08.

The landscaping and public domain concept design shown on the approved EDAW/AECOM Drawing No. 22 'Retail Centre' (February 2010) remains generally unchanged, notwithstanding the revised configuration and layout of landscaped area. Because Condition B32 to the Project Approval requires a detailed landscape plan to be approved by Council prior to the issue of the CC for the Retail Centre in any event, it is not considered necessary to amend the conceptual EDAW/AECOM Drawing No. 22 Retail Centre as part of this S75W application.

2.2.11 Car Park Shade Structures

Lightweight shade structures across two car parking bays (ie two double rows of car parking spaces) are proposed, as shown on the modified drawings DA05 and DA08. While no detailed design has been prepared to date, a condition is invited requiring design details to be signed off by the Department of Planning prior to the issue of a Construction Certificate for the shade structures.

2.2.12 Signage Modifications

Three 'Coles' signs were approved in the Project Approval drawing DA14. The three signs are proposed to be retained in their approved location with necessary revisions to suit the modified building design. Only two of the signs will be visible from public areas.

As part of this S75W application, a fourth 'Coles' sign is now proposed on the western façade of the modified A-frame structure.

As background, it is noted that a pylon sign was originally proposed on the Tweed Road frontage, but was deleted by the proponent in response to concerns raised by the then Department of Planning during the Project Application assessment phase. As a result, no signage has been approved that will be visible to traffic approaching from the north (ie travelling south along Tweed Coast Road).

The feedback received from the Department of Planning in 2008 relating to the proposed pylon sign was as follows:

"The pylon sign(s) to be located on Tweed Coast Road are discordant elements of the design and should be eliminated. Additional signage could be better integrated onto the raised section of the roof facing the corner of Tweed Coast Road and the Main Entry road".

The proposed signage location accords with this recommendation.

We have undertaken an assessment of the proposed sign pursuant to the assessment criteria set out in Schedule 1 to State Environmental Planning Policy No. 64. In our opinion, the proposed sign, which is to be attached to the building façade:

- is compatible with the desired future character of the area and locality;
- does not comprise outdoor advertising;
- will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas;
- does not obscure or compromise important views, nor does it dominate the skyline or reduce the quality of vistas;
- is of a proportion and form which is appropriate for the streetscape and setting;
- does not create clutter or protrude above buildings or structures;
- is compatible with the scale, proportion and other characteristics of the building, and is appropriately located thereon; and
- illumination of the sign would not result in unacceptable glare nor affect safety for pedestrians, vehicles or aircraft, nor would it detract from the amenity of any residence; and
- finally, the proposed sign would not reduce safety for any persons.

2.3 Proposed Modification to Conditions

The relevant conditions are summarised in Section 2.3 of this report, and a full copy of the consent as modified is attached at Appendix 2B. The following conditions are proposed to be modified.

2.3.1 Condition A1 - Project Description

Section (3) of Condition A1 is sought to be modified as follows:

“A1 Project Description

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

...

- (3) *Construction of the retail centre with a total floorspace of ~~4135m²~~ **3705m²** comprising a maximum of ~~3660m²~~ **3460m²** of retail floor space. The retail floor space is composed of:*
- (d) *supermarket of ~~2500m²~~ **2300m²**;*
 - (e) *shops of ~~850m²~~ **1000m²**; and*
 - (f) *restaurants of ~~310m²~~ **160m²**.*



*The retail centre will provide car parking for a total of ~~248~~ **222** vehicles (including ~~72 spaces in a basement car park~~);...*

2.3.2 Condition A2 - Project in Accordance with Plans

Condition A2 is sought to be modified by striking out certain approved drawing revision numbers and dates, and adding modified drawing revision numbers and dates, as set out in the table at Section 2.2

2.3.3 Condition A3 - Project in Accordance with Documents

Condition A3 is sought to be modified by introducing a reference to the subject Section 75W report, prepared by BBC Consulting Planners, in the list of approved documents forming part of the Project Approval.

2.3.4 Condition E21 – Section 94 Monetary Contributions

Condition E21 is sought to be modified to reflect the reduced retail and office floor space. We are not sure how the figures in the approved condition were derived however it is reasonable to expect a reduced payment figure will arise.

2.4 Proposed Modification to Statements of Commitments

Minor consequential amendments are required to be made to Item No. 36 in the Statement of Commitments, as set out in the following table (overleaf).

(Note: We question the need to set out floor space targets in the Statement of Commitments, given that the floor space is indicated on the Project Application plans (as proposed to be modified). We also question the need to list the lodged/approved plans, as the appropriate place to list approved plan revisions would seem to be in the instrument of approval. We therefore propose to delete these aspects as they will be adequately covered in the modified approval).

<p>36. Retail/ Commercial</p>	<ul style="list-style-type: none"> ○ The proponent will construct a shopping centre in accordance with submitted Plans (Donovan Hill Architecture Plans for Project Application for Stage 1 Works contained in Exhibit Book 2) approved plans prepared by Donovan Hill Architects ○ The shopping centre design will have <ul style="list-style-type: none"> ● A high degree of pedestrian accessibility. ● Interactive street frontages serviced by limited on-street parking. ● Fully covered, highly visual public realm which accentuates the character and identity of the Town Centre. ● Basement and-at-grade parking. ○ The shopping centre will comprise a supermarket, specialty shops, office, a restaurant, amenities, car parking and signage. <ul style="list-style-type: none"> ● supermarket (2500m²) ● specialty shops (850m²) ● restaurants (310m²) ● amenities (75m²) ● office (first floor) (400m²) ● 264 car spaces ● attached signage ○ The shopping centre will be constructed in accordance with Donovan 	<ul style="list-style-type: none"> ○ A vibrant retail / commercial precinct catering to the needs of the local community and the tourists visiting the area. ○ The local shopping centre will reduce traffic on the Coast Road. This also provides environmental benefits. 	<p>To be constructed in Stage 1.</p>
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	Hill Architects drawings as approved. DA01H, DA02H, DA03H, DA04H, DA05I, DA06H, DA07H, DA08H, DA09H, DA10H, DA11H, DA12H, DA13H, and DA14H (see Exhibit Book 2)		
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3. INFORMATION TO ADDRESS CONDITIONS OF APPROVAL

3.1 Background

When approval was originally granted, the retail centre plans were modified by way of a condition on the Project Approval (with an identical condition being placed on the Concept Plan Approval). The following condition was imposed on the Concept Plan Approval as modified (as Condition B3) and the Project Approval as modified (as Condition B2(1)):

“The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for the retail centre”.

At the time of writing, no modified plans have been provided to the Department for approval. It is noted, however, that the A frame element has been substantially redesigned and rescaled as part of the S75W and will now enclose office space. Therefore, it is reasonable for these conditions to be signed off should the Department issue a modified approval pursuant to this S75W application.

3.2 Condition B3 of Concept Approval

This report seeks a sign-off from the Department of Planning in satisfaction of Condition B3 of the Concept Plan Approval, due to the reduced scale of the A-frame element shown on the modified drawings.

3.3 Condition B2(1) of the Project Approval

This report seeks a sign-off from the Department of Planning in satisfaction of Condition B2(1) of the Project Approval, due to the reduced scale of the A-frame element shown on the modified drawings.

4. ASSESSMENT AND CONCLUSION

This Section 75W report describes the proposed modifications to the design and to the conditions of approval.

The proposed modification will result in substantially the same development, comprising a supermarket, retail and restaurant floor space, first floor office space and car parking, all to service the local community.

The amended building design is of a reduced bulk and scale, and has fewer car parking spaces to reflect the decrease in floor space. The proposed modification is expected to have a similar, if not somewhat reduced, environmental impact compared with the approved scheme in terms of visual and traffic impact.

The proposed additional sign will be integrated with the building and will replace a pylon sign which was deleted at Preferred Project Report stage when the original Project Application was under assessment. The integrated signage location has an improved visual impact and satisfies the assessment requirements under SEPP 64 as set out in Section 2.2.11 of this report.

The proposed modification remains consistent with the relevant planning controls and with the Concept Plan approval for Casuarina Town centre. It is worthy of favourable determination.



APPENDICES



APPENDIX 1A

Concept Approval (as originally granted)

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*, determine:

- a. Under Section 75O of the *Environmental Planning & Assessment Act 1979*, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- b. Under Section 75P(1)(c) of the *Environmental Planning & Assessment Act 1979*, that the Stage 1 project requires no further environmental assessment;
- c. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and be subject to the requirements set out in Part C of Schedule 2; and
- d. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development 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:

- Adequately mitigate the environmental impact of the concept plan;
- Maintain the amenity of the local area; and
- Encourage the orderly future development of the site.



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

20/7/09

2009

SCHEDULE 1

PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.• Construction of a retail centre comprising a supermarket, restaurants and shops;• Construction of a hotel;• Construction of the associated road network and car parking;• Construction of all necessary services; and• Landscaping and open space
Type of development:	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_0258

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

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

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

Council means Tweed Shire Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

Minister means the Minister for Planning.

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

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

Preferred Project Report means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

Proponent means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

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

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

SCHEDULE 2

MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- 1) Subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.
- 2) Construction of a retail centre comprising a supermarket, restaurants and shops;
- 3) Construction of a hotel;
- 4) Construction of the associated road network and car parking;
- 5) Construction of all necessary services; and
- 6) Landscaping and open space

A2 *Staging*

The project is to be constructed in four stages generally as follows:

- (1) Stage 1 comprises:
 - (a) Bulk earthworks;
 - (b) Subdivision of the land into 61 lots;
 - (c) Construction of a retail centre;
 - (d) Closure of Dianella Drive;
 - (e) Construction of roads and services; and
 - (f) Landscaping.
 - (2) Stage 2 comprises:
 - (a) Development of mixed use lots 5, 12 and 17;
 - (b) Development of commercial lot 2; and
 - (c) Development of medium density residential lot 3.
 - (3) Stage 3 comprises:
 - (a) Development of mixed use lots 6 and 13; and
 - (b) Development of medium density residential lots 4, 10, 11 and 16.
 - (4) Stage 4 comprises:
 - (a) Development of medium density residential lots 7, 8, 9, 14 and 15; and
 - (b) Development of hotel lot 18.
-

A3 Project in Accordance with Plans

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

Design Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-31(N)		Concept Plan	17/08/09
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
MP-01-13(G)		Sun Study – Winter Solstice – June 21 – 3pm	17/08/09
Design and Survey Drawings prepared by Cardno (Qld) Pty Ltd			
DA22I	I	Existing Contours Plan	10/08/09
DA24K	K	Finished Surface Contours	10/08/09
DA39J	J	Subdivision Layout Plan	10/08/09
DA40L	L	Dedication and Easement Plan	10/08/09
DA41I	I	Staging Plan	10/08/09
8491-101	g	Tweed Coast Road/Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way/Town Centre Drive Intersection Concept Option 1	23/01/09
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09
8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-909	C	Public Parking	14/08/09

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.

A4 Project in Accordance with Documents

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

Environmental Assessment Documentation

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

Preferred Project Report Documentation

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

A5 *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 Building Setbacks

A minimum building setback of 2m shall be provided to all future lots adjoining the southern boundary of the 20m wide east-west open space corridor.

B2 Cycleway

The cycleway is modified such that:

- 1) the sharp right turn at the junction of lots 4, 10 and 11 is realigned to provide a provide a larger radius curve.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.

B3 Retail Centre

The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.

B4 Bus Stops

Casuarina Way is modified such that two indented bus bays including bus shelters (one in each direction) are provided within the site. Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.

B5 Beach Access through Crown Reserve

The proponent is to obtain approval from the Department of Lands regarding the provision of the proposed beach access to the east of the icon building.

Note: This may require the closure of one of the existing beach accesses.

Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of a Construction Certificate for Stage 1.

PART C— REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(1)(a) of the Act, future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and are subject to the following requirements:

C1 *Residential Flat Buildings*

All future applications involving the development of a residential flat building (within the definition of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings) is to include a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

C2 *Overshadowing*

Future applications for all three storey buildings are to include an assessment of the potential for overshadowing of both adjoining buildings and public open space areas (in particular, areas of public open space).

C3 *Footpath Trading*

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) require the submission of details in relation to any proposed footpath trading or alfresco dining activities.

C4 *Operational Management Plan*

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) and the hotel (Lot 18) require the submission of an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

C5 *Surf Lifesaving Facilities*

The future application for development of Lot 17 is to include details of the surf lifesaving facilities to be provided in the icon building. The application shall include written agreement to the proposed facilities from Surf Lifesaving Australia.

C6 *Noise Assessments*

All future applications involving development for non-residential uses are to include a noise assessment that considers potential impacts on surrounding residences both within the subject site and adjoining it. The assessment is to incorporate measures that mitigate the noise impacts of the development on the surrounding dwellings to levels considered acceptable by the NSW *Industrial Noise Policy* (EPA, 2000).

SCHEDULE 3

06_0258

CASUARINA TOWN CENTRE

**TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT
AREA**

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)



6.00 STATEMENT OF COMMITMENTS – CONCEPT PLAN

The following Statement of Commitments are referable to the Casuarina Beach Town Centre Concept Plan Application as originally lodged, reviewed and revised in this Preferred Project Report.

PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
1. Development Contributions	<ul style="list-style-type: none"> The proponent will pay the lawful contributions in accordance with any condition(s) of consent calculated in accordance with any relevant Section 94 Contribution Plan(s), taking into account any referable or other applicable credits for prior contributions to the public benefit. Such contributions will be paid at each Stage of the development relevant to such payment. 	<ul style="list-style-type: none"> The Proponent and the Local Government Authority agreeing to a range of lawful contributions to ensure the timely delivery of local infrastructure and community services. Provide certainty for the delivery and quality of the public domain elements of the project. Ensure the project's compatibility with local strategies. 	<ul style="list-style-type: none"> Payment will be effected prior to the issue of a subdivision certificate for the Project Application for Stage 1 Works, namely, the Stage 1 construction of the proposed shopping centre and all roads, open space embellishment as contained in the Landscape Concept Report (EDAW) - see Attachment 2 and infrastructure works relating to sewer, water and drainage.
2. Urban Design	<ul style="list-style-type: none"> Urban Design Guidelines will be developed to ensure design excellence is achieved in the architecture of private buildings and the public domain (streets, parks and squares). This will include building designs and standards. The Guidelines will also take into account the Tweed DCP requirements and the Urban Design Report of Malcolm Middleton and the Landscape Concept Report (EDAW) see Attachment 2. The detailed Urban Design Guidelines will be provided as part of project or 	<ul style="list-style-type: none"> Ensuring that over the various stages of the development there is consistency of standards for the built environment. That the built form meets the best modern Australian coastal design standards. Ensuring that the Sustainability Objectives of the development are implemented. 	<ul style="list-style-type: none"> Guidelines issued prior to the issue of a Construction Certificate for any building works whether private or public. Construction of the built form both public and private will follow the issue of construction certificate for same.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>development applications for subdivision and infrastructure works or building works for each of the neighbourhood stages of the Town Centre.</p> <ul style="list-style-type: none"> ○ To ensure that the built forms meet the floor space ratios, heights and other criteria as contained in the table found at Section 5 "Project Amendments" of the Preferred Project Report. ○ These guidelines will be submitted with future project or development applications for subdivision and infrastructure works. ○ To ensure that any further development applications comply generally with the Concept Application Plans of approval. 		
3. Environmentally Sustainable Development	<ul style="list-style-type: none"> ○ The Proponent is committed to an adherence to the principles of sustainability as defined in the Environmental Planning and Assessment Act 1979. The proposed development will incorporate a range of relevant ESD initiatives to minimize the impact of the projected development on the environment including reduction in energy, water and waste generation by adherence to an implementation of, a suite of on-site management plans detailed in and/or attached to the Environmental Assessment, and upon which management protocols the proponent relies 	<ul style="list-style-type: none"> ○ Ensure that all development on the site is managed and designed in an environmentally sustainable manner. 	<ul style="list-style-type: none"> ○ From Stage 1 but will be implemented in all Stages of the Project.
4. Foreshore Protection	<ul style="list-style-type: none"> ○ The proponent agrees to fund in perpetuity any restorative actions, including the erection of visual barriers, which may 	<ul style="list-style-type: none"> ○ A well-managed foreshore area which meets the best achievable environmental 	<ul style="list-style-type: none"> ○ ongoing



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>be required as a result of unauthorized tree or vegetation clearing fronting the development within Crown Reserve 1001008, to the satisfaction of the Department of Lands.</p> <ul style="list-style-type: none"> Targeted surveys for the endangered species "<i>Geodorum densiflorum</i>" will be undertaken and mitigation measures for impacts on the species identified, to the extent identified by the survey. No asset protection zones will be located within the Crown Reserve 1001008. No works will be undertaken on Crown Reserve 1001008. The proponent undertakes to effect mitigation measures and to implement such measures for any works adjoining Crown land to ensure that there is no impact on the Crown land. 	<p>standards and meets the reasonable expectations of the local community</p>	
5. Open Space and Public Walkway/ Cycle Connections	<ul style="list-style-type: none"> The proponent will dedicate 4164m² of privately held 7(f) zoned lands and 7351m² of privately held 2(e) zoned lands, aggregating 11515m², (4.4% of the subject lands) as public open space to encourage a larger, more legible public realm which promotes permeability along the foreshore. The dedication will be in accordance with ML Design Plan No. MP30-(Q) and Cardno Drawing No. DA40(J). The public open space will facilitate the realignment and upgrading of the existing foreshore 	<ul style="list-style-type: none"> The Town Centre Park will create a large open recreational area for the whole of the Casuarina Beach village. It will cater for a wide variety of public uses from passive recreation to organized public events. Allows full public access to the foreshore. Allows full north-south pedestrian and cycle permeability throughout the length 	<ul style="list-style-type: none"> Lands to be dedicated in accordance with the ML Design Plan No. MP30-(Q) and Cardno Drawing No. DA40(J).ML will be embellished in accordance with Attachment 2 (EDAW) and dedicated to Council prior to the issue of a subdivision certificate for the Stage 1 Project Application Works. All landscape works including walkway/ cycleway



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>cycleway.</p> <ul style="list-style-type: none"> This land has or will be dedicated to Tweed Council. The proponent will design and build all the landscape elements of the public space including the walkway/cycleway areas and in accordance with Attachment 2 (EDAW). Landscaping is to rely heavily on the use of native species. Provision will be made in the public domain for Surf Lifesaving Facilities as an adjunct to the Salt Surf Lifesaving Club. 	<p>of the site.</p> <ul style="list-style-type: none"> Full north-south pedestrian and cycle permeability throughout the length of the site. Cycleway/walkways provide for easy east-west pedestrian and cycle links through the site. There will be an upgrading of the foreshore walkway/cycleway. The choice of local native plants will improve the habitat of the local fauna. 	<p>and open space works and embellishments will be completed prior to the issue of a subdivision certificate for the Stage 1 Works.</p>
6. Foreshore Access and Public Beachside Car Parking	<ul style="list-style-type: none"> The proponent will establish approximately 175 metres of publicly accessible beach access consisting of parkland and esplanade roadway, directly east of the centre east west axis boulevard as shown on ML Design Plans MP-31(J) and MP-30(Q) and Cardno Eppell Olsen Plans Nos. 8491-901(F), 8491-902(F) and 8491-903(F). The proponent will provide a minimum of 170 car spaces at a rate of 300 public spaces per kilometre length of beach within 200m of the beach in accordance with the Cardno Eppell Olsen Plan 8491-909(C). The proponent will undertake these works and dedicate them to Council. 	<ul style="list-style-type: none"> Ensure full 24 hour a day access to the foreshore and walkway/cycleway for the public. Visitors to Casuarina Beach will have easy access to the parkland, the beach and the village facilities. 	<ul style="list-style-type: none"> All car parking works and land to be dedicated for roads and car parking as depicted in ML Design Plans MP-31(J) and MP-30(Q) and Cardno Eppell Olsen Plans Nos. 8491-901(F), 8491-902(F), 8491-903(F) and 8491-909(C) completed prior to the issue of a subdivision certificate and dedicated as part of the subdivision certificate approval process.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
7. Traffic Management	<ul style="list-style-type: none"> ○ The proponent will design and construct all roads within the Town Centre in accordance with Australian Standards and in accordance with Cardno Drawing No. DA23(H). ○ The roadworks include connecting Casuarina Way's missing north-south link and creating a new and safer access point to the Coast Road. ○ The proponent will design and construct all the pedestrian and cycle pathways in accordance with Cardno Plans Nos. DA49(J) and DA42 and plans contained in Attachment 2 – Landscape Concept Report, Casuarina Town Centre (EDAW) – Pedestrian Links, Cycle Circulation. ○ The road network will be capable of servicing the local bus needs. Provision for bus stops will be made. ○ The proponent will design and install all the traffic management measures, like traffic lights, in accordance with Australian Standards as may be required by the Cardno Eppell Olsen Report forming part of this application and the conditions of approval of this application. ○ The proponent will undertake the works required for Dianella Drive and as depicted in the Cardno Eppell Olsen report forming part of this application or as may be required by the conditions of approval. 	<ul style="list-style-type: none"> ○ There will be a high coordinated approach to the traffic management on the site. ○ The mix will ensure that a proper hierarchy of roads and walkway/cycleways will be set up and the traffic movements are compatible with the pedestrian cycle movements particularly given the tourist village style of development. ○ Separation of the retail traffic around the supermarket from the quieter recreational traffic uses near the foreshore. ○ Creates the opportunity for improved and faster bus services. ○ A safer exit/entry point to the Coast Road for the residents of Casuarina Beach. 	<ul style="list-style-type: none"> ○ All roadworks/ walkway/cycleway works will be constructed prior to the issue of a subdivision certificate for the lots created by the Stage 1 Works.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
8. Drainage Swale	<ul style="list-style-type: none"> The proponent will dedicate the roads to Tweed Council at the time of applying for a subdivision certificate. The proponent will fill in the drainage swale. The swale will be replaced by underground stormwater pipe drainage before discharging back to the existing drainage system at the northern end of the playing field area. An area of 3180m² of the land comprising the swale will be dedicated as open space once it has been recontoured, grassed and a cycleway/walkway constructed thereon. The dedication shall be in accordance with ML Design Plan MP-30(Q) and Cardno Drawing No. DA40J. 	<ul style="list-style-type: none"> An efficient drainage system which does not create any adverse environmental impacts. A more useable landscaped public area at grade with lands to the north and south of the current swale. A better edge treatment between lands to the north and south of the swale. 	To be constructed in Stage 1.
9. Infrastructure	<ul style="list-style-type: none"> The proponent has identified in the Cardno Report the infrastructure required to support all of the proposed development in the Concept Plan. The areas of infrastructure include: <ul style="list-style-type: none"> sewerage water supply telecommunications electricity supply waste disposal Specific commitments include: <ul style="list-style-type: none"> Upgrading of the pumps in Pump Station 2 and the installation of additional main capacity of the sewer mains. A connecting 150 mm diameter main to the main water supply. 	<ul style="list-style-type: none"> Casuarina Beach Town Centre will be well serviced with all its basic infrastructure needs from the beginning of the project. The Town Centre site is infill development and its infrastructure has been designed to accord with the overall infrastructure designed for Casuarina Beach. 	<ul style="list-style-type: none"> Infrastructure works will be undertaken and will be completed prior to the issue of a subdivision certificate for the lots created by the application.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> All infrastructure works will be carried out in accordance with Cardno Drawings referenced in Exhibit Book 1 or as may be required by conditions of approval. The proponent undertakes to ensure that the quality of any runoff into Cudgen Creek and to the ocean, both during and after construction of the development, will be equal to or better than current levels. 		
10. Water Sensitive Urban Design	<ul style="list-style-type: none"> The proponent commits to implementing a Water Sensitive Urban Design Strategy (WSUD) in accordance with the WSUD outlined in the Cardno Report on Engineering and Environmental Matters dated June 2008 submitted as Attachment 2 to the Environmental Assessment Report. Specific actions are: <ul style="list-style-type: none"> The on-site stormwater management system will capture and retain virtually all the run-off from the site. The east west swale will be moved. Modifications to the frontal swale. Re-contouring of the site will improve the drainage patterns. 	<ul style="list-style-type: none"> The system will substantially reduce the contaminant loads in Cudgen Creek and the Pacific Ocean. It meets environmentally sustainable principles. 	<ul style="list-style-type: none"> The WSUD will be delivered at the same time as infrastructure works and prior to the issue of a subdivision certificate for the lots created by this application.
11. Soil Contamination	<ul style="list-style-type: none"> The proponent undertakes to comply with any and all guidelines endorsed by the relevant Authority to assess the extent of any surface or subsurface contamination prior to commencement of construction. 	<ul style="list-style-type: none"> A safer site fit for habitation. 	<ul style="list-style-type: none"> Works will be undertaken in Stage 1 and completed prior to the issue of a subdivision certificate for the lots created.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
12. Management of Construction Noise, Vibration, Dust, Soils and Erosion	<ul style="list-style-type: none"> Management of construction noise, vibration, dust, soil and erosion during the construction phase of the development will be undertaken strictly in accordance with the relevant management plans and in accordance with aforementioned and approved Environmental Management Plan for the development. 	<ul style="list-style-type: none"> Minimise the impacts of the construction activity on the environment and on the neighbouring communities. Cleaner site during construction. 	<ul style="list-style-type: none"> Implement prior to the issue of a construction certificate. During construction works.
13. Management of Construction Waste	<ul style="list-style-type: none"> The proponent undertakes to adopt approved targets as performance requirements for the management of construction waste as may be set by the conditions of approval. 	<ul style="list-style-type: none"> Minimise the impacts of the construction activity on the environment and on the neighbouring communities. 	<ul style="list-style-type: none"> Implemented prior to the issue of a construction certificate.
14. Management of Construction Traffic	<ul style="list-style-type: none"> A Construction Management Plan will be prepared prior to the issue of a Construction Certificate. The Plan will include the principles set out in this Report to minimize construction traffic impacts at all times of the construction process. 	<ul style="list-style-type: none"> Minimise the impacts of the construction activity on the environment and on the neighbouring communities. 	<ul style="list-style-type: none"> Implemented prior to the issue of a construction certificate.
15. Aboriginal and European Cultural Heritage Assessment	<ul style="list-style-type: none"> If human remains are located during the project, all works will halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal community and DECC will be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, the DECC should be contacted and notified of the situation and works will not resume in the designated area until approval in writing is provided by the DECC. In the event that a criminal investigation ensues, works 	<ul style="list-style-type: none"> A respectful recognition of past settlement of land. 	<ul style="list-style-type: none"> Consultation will be undertaken within the Tweed Byron Local Aboriginal Council and if considered appropriate by the Aboriginal Council the commemorative will be created prior to the issue of a subdivision certificate for the subdivision created by the Project Application Stage 1 Works.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>will not resume in the designated area until approval in writing from the Police and DECC is obtained</p> <ul style="list-style-type: none"> ○ If Aboriginal cultural objects are uncovered due to the development activities, all works will halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives will be contacted to determine the significance of the find(s). The site will be registered in the AHIMS (managed by DECC) and the management outcome for the site included in the information provided to the AHIMS. (It is also recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed consent being given to the representatives for this purpose). ○ All reasonable efforts will be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures will be negotiated with the Aboriginal community and DECC. ○ If objects are uncovered the applicant will consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values. 		



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> ○ An Aboriginal Cultural Education Program will be developed for the induction of personnel and contractors involved in the construction activities on site. The program will be developed in collaboration with the Aboriginal community. ○ The proponent will, in consultation with The Tweed Byron Local Aboriginal Council, give consideration to the erection of a suitable commemorative installation which could mark or identify the Aboriginal occupation of this part of the Tweed Coast and past disturbance to their heritage sites. ○ In conjunction with the Tweed Byron Local Aboriginal Land Council the proponent will give consideration to the interpretation, on site, of the sand mining history of the area and its shaping of the current coastal landscapes to establish an historical connection between the new suburb and its past setting. ○ A copy of the Report will be sent to: The Chief Executive Officer Tweed Byron Local Aboriginal Land Council PO Box 1401 Kingscliff NSW 2487 Mr Kyle Slabb Tweed Byron Local Aboriginal Land Council PO Box 1401 Kingscliff NSW 2487 		



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Ms Jackie McDonald 63 Triuga Street West Tweed Heads NSW 2321</p> <p>Mrs Joyce Summers 26 Brier Crescent Varsity Lakes QLD 4227</p> <p>The Manager Aboriginal Heritage Information Management System Department of Environment and Climate Change PO Box 1967 Hurstville NSW 2770</p> <p>o Two copies of the Report will be sent to:</p> <p>Northern Region Archaeologist Northern Aboriginal Heritage Unit Department of Environment and Climate Change PO Box 914 Coffs Harbour NSW 2450</p>		
16. Flooding	<p>o The proponent undertakes that the development footprint will be located to avoid flooding impacts from a result of sea level rise and a probable maximum flood.</p> <p>o The proposed development will be in accordance with the NSW Government Flood Prone Land Policy.</p>	<p>o Reduce the impact of flooding and flood liability on occupants of the flood plain and to reduce losses resulting from flooding.</p>	<p>o Implemented prior to the issue of a construction certificate.</p>
17. Asset Protection	<p>o The proponent undertakes that all landscaping to the site is to comply with the principles of Appendix 5 of <i>Planning for Bushfire Protection 2006</i>.</p>	<p>o To ensure protection of the public and community assets generally.</p>	<p>o All landscape works will be completed prior to the issue of a subdivision certificate for the Stage 1 Works.</p>
18. Community and Stakeholder Engagement	<p>o The proponent undertakes to implement a complaints registration procedure to record and to address any and all issues in relation to</p>	<p>o The community and the local authorities are fully informed and consulted throughout every stage of the</p>	<p>o Community consultations have already been established. They will be maintained.</p>



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>the construction phase of development.</p> <ul style="list-style-type: none">○ The proponent commits to establishing community consultation mechanisms during the assessment and sales stages of the development.	<p>development of the project.</p>	<ul style="list-style-type: none">○ Ongoing throughout every stage of the project.



APPENDIX 1B

Project Approval (as originally granted)

Project Approval

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

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

These conditions are required to:

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



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

20/1/09

2009

SCHEDULE 1

PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• Subdivision of the land into 61 lots;• Construction of the supermarket anchored retail centre;• Bulk earthworks and vegetation clearing;• Construction of all roads;• Closure of Dianella Drive;• Provision of infrastructure and services; and• Landscaping.
Type of development:	Project Application
Determination made on:	
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0258

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

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

Legal notices

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

PART C—DEFINITIONS

In this approval,

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

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

BCA means Building Code of Australia

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

Council means Tweed Shire Council

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

Minister means the Minister for Planning.

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

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

Preferred Project Report means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

Proponent means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

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

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

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SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06_0258

PART A—ADMINISTRATIVE CONDITIONS

A1 Project Description

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

- 1) Bulk earthworks and vegetation clearing;
- 2) Subdivision of the land into 61 lots comprising 38 low density residential lots, 18 super lots for future development, 3 open space lots and 2 lots for the purposes of drainage;
- 3) Construction of the retail centre with a total floor space of 4135m² comprising a maximum of 3660m² of retail floor space. The retail floor space is composed of:
 - a. supermarket of 2500m²;
 - b. shops of 850m²; and
 - c. restaurants of 310m².

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

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

A2 Project in Accordance with Plans

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

Architectural (or Design) Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
Engineering Drawings prepared by Cardno (QLD) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
DA22I	I	Existing Contours Plan	10/08/09

DA23J	J	Road Layout Plan	10/08/09
DA24K	K	Finished Surface Contours	10/08/09
DA25I	I	Cut / Fill Depths Layout Plan	10/08/09
DA26G	G	Site Cross Sections	10/08/09
DA27I	I	Erosion & Sediment Control Layout Plan	10/08/09
DA28F	F	Road No.1 Longitudinal Section	10/08/09
DA29D	D	Casuarina Way (Road No.2) Longitudinal Section	10/08/09
DA30E	E	Road No 3 (Casuarina Way) and Road No 4 Longitudinal Sections	10/08/09
DA31G	G	Road No 5 Longitudinal Section	10/08/09
DA32F	F	Road No 6 Longitudinal Section	10/08/09
DA33F	F	Road No 7 Longitudinal Section	10/08/09
DA34E	E	Typical Cross Sections Sheet 1	10/08/09
DA35G	G	Typical Cross Sections Sheet 1	10/08/09
DA36I	I	Catchment Areas and Drainage Paths	10/08/09
DA37I	I	Sewer Reticulation Layout Plan	10/08/09
DA38H	H	Water Reticulation Layout Plan	10/08/09
DA39J	J	Subdivision Layout Plan	10/08/09
DA40L	L	Dedication and Easement Plan	10/08/09
DA41I	I	Staging Plan	10/08/09
DA44B	B	Proposed Frontal Cycleway/ Drainage Re-alignment Layout Plan	10/08/09

Traffic Engineering Drawings prepared by Cardno Eppell Olsen

Drawing No.	Revision	Name of Plan	Date
8491-101	G	Tweed Coast Road / Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way / Town Centre Drive Intersection Concept Option 1	23/01/09
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept Path (Forward In)	14/08/09
8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	C	19M Articulated Vehicle Swept Path	14/08/09
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09

8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-906	E	Parking Bay Dimensions	03/07/09
8491-907	D	Parking Bay Dimensions	23/01/09
8491-908	E	Bus and Car Swept Path	14/08/09
8491-909	E	Public Parking	14/08/09
Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09
DA13	H	Shadow Diagrams	30/01/09
DA14	I	Building Signage Details	13/08/09
Landscape Drawings prepared by EDAW			
Drawing No.	Revision	Name of Plan	Date
08		Vehicular Street Hierarchy	August 2009
09		Pedestrian Links	August 2009
010		Cycle Circulation	August 2009
011		Street Tree Strategy	August 2009
012		Entrance Statement	August 2009
013		The Boulevard	August 2009
014		Main Street	August 2009
015		Casuarina Way	August 2009
016		Local Roads	August 2009
017		Pedestrian Links	February 2009
018		Foreshore Reserve Management Area	August 2009
019		Indicative Sections – Foreshore Reserve	August 2009
020		Civic Park	August 2009
021		Public Carpark Section	August 2009
022		Retail Centre	August 2009

A3 Project in Accordance with Documents

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

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

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

A4 *Inconsistency between documents*

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

A5 *Building Code of Australia*

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

A6 *Use of Certain Machinery*

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

A7 *Landscaping on Private Land*

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Contamination

B1 Contamination

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

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

Design Details and Changes

B2 Design Modifications

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

- (1) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The proposed easement shall be modified accordingly.
- (2) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.
- (3) The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.
- (4) Two indented bus bays including bus shelters shall be provided on Casuarina Way (one in each direction). Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.

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

B3 Flora and Fauna

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

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

B4 *Disabled Access*

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

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

Prior to the issue of a Construction Certificate the proponent shall submit to the Certifying Authority an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

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

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

B7 *Pre-Construction Dilapidation Reports*

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

B8 *Grading of Fill*

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

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

B9 *Construction Compliance Bond and Long Service Levy*

- (1) Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,552).

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

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

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

Construction Management

B10 Construction Management Plan

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

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

B11 Traffic & Pedestrian Management Plan

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

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

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

Traffic & Parking

B12 Intersection of Tweed Coast Road and The Boulevard

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

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

B13 Intersection of Tweed Coast Road and The Boulevard

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

B14 Intersection of Casuarina Way and The Boulevard

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

B15 Road Reserve Width of Casuarina Way

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

B16 Dianella Drive Closure

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

B17 Car Park and Service Vehicle Layout

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

B18 Car Park and Service Vehicle Layout

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

B19 Carparking

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

Health

B20 Mechanical Ventilation

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

B21 Design of Food Premises

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

Stormwater

B22 Stormwater and Drainage Works Design

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

B23 Stormwater and Drainage Works Design

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

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

B24 Design of Piped Drainage System

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

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

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

B25 Stormwater Works for Retail Centre

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

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

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

B26 *Roof Water Disposal*

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

B27 *Drainage for Lots*

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

B28 *Erosion and Sediment Control*

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

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

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

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

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

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

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

B30 *Road Design*

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

B31 *Landscaping Plan*

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

B32 *Landscaping Plan*

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

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

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

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

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

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

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

B33 Retaining Walls

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

B34 Plans to be Submitted

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

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - (i) earthworks
 - (ii) roadworks/furnishings
 - (iii) stormwater drainage
 - (iv) water supply works
 - (v) sewerage works
 - (vi) landscaping works
 - (vii) sedimentation and erosion management plans
 - (viii) location of all service conduits (water, sewer, Country Energy and Telstra)

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

B35 Lighting

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

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

B36 Emergency Access

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

B37 Subdivision Works Accredited Certifier

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

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

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

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

Structural Works

C2 *Structural Details*

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

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

C3 *Retaining Walls*

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

Pollution Control

C4 *Erosion and Sediment Control*

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

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

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

Services

C5 Existing Services

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

Contact Details

C6 Contact Telephone Number

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

C7 Occupational Health and Safety

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

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

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

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

D2 Site Notice

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

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

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

D3 Use of Public Land

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

D4 Public Access

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

D5 Protection of Trees – Street Trees

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

D6 Council Inspections

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

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

17) Final inspection - on maintenance

18) Off maintenance

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

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

Structural Works

D7 Setting Out of Structures

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

Site Maintenance

D8 Erosion and Sediment Control

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

D9 Erosion and Sediment Control Inspections

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

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

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

D10 Disposal of Seepage and Stormwater

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

D11 Dust Control Measures

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

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

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

Noise and Vibration

D12 Hours of Work

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

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

Works may be undertaken outside these hours where:

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

D13 Construction Noise Objective

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

D14 Construction Noise Management

For all stages of the project, the Proponent shall:

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

D15 Vibration Criteria

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

Earthworks

D16 Earthworks

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

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

D17 Disposal of Material

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

D18 Surrounding Roads

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

D19 Road Construction

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

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

Heritage

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

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

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 Part 4A Certificate

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

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

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

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

E2 Compliance Certificate

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

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

Note:

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

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

E3 Defect Liability Bond

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

The bond shall be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

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

E4 Maintenance Bond

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

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

Earthworks

E5 Contamination

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

E6 Retaining Walls

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

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

Geotechnical

E7 Dilapidation Report

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

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

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
- 4) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.
 - (a) A restriction as to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
 - (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.
 - (c) A restriction as to user for all lots adjoining the 20m wide easement containing the east/west cycleway link to:
 - (i) Prohibit the construction of fences within the easement; and
 - (ii) Provide a minimum building setback of 2m to the boundary of the easement.
 - (d) A restriction as to user for all lots requiring the infiltration of all stormwater runoff from roof, hardstand / carparking, and impermeable landscaping areas in storm events up to the 3 month ARI event (deemed to be 40% of the 1 year ARI event), assuming a maximum infiltration rate of 3m per day.

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- (e) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.
- 5) The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Services

E9 Electricity

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

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

E10 Water and Sewerage

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

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

E11 Utilities – Telephone and Electricity Services

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

Dedication of Land

E12 Dedication of Open Space

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

E13 Dedication of Internal Roads

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

E14 Road Names

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

E15 Damage to Public Infrastructure

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

E16 Stormwater Gully Lintels

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

E17 Asset Creation Form

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

E18 Works As Executed Plans

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

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

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

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

E19 Survey marks

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

E20 CCTV Inspection

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

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

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

Monetary Contributions

E21 Section 94 Monetary Contributions

(1) Amount of Contributions

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

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

(2) Timing and Method of Payment

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

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

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

(3) Section 94 Plans

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

E22 Section 64 Monetary Contributions

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

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

The current charges applicable are:

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

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

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

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Stormwater Quality Control Devices

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

F2 Fire Safety Certificate

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

F3 Annual Fire Safety Statement

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

F4 Mechanical Ventilation

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

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

F5 Structural Inspection Certificate

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

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

F6 Road Damage

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

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

Easements

F7 Registration of Easements

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

PART G—POST OCCUPATION

G1 Demand Management Strategy

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

Fire Safety

G2 Annual Fire Safety Certification

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

Traffic and Parking

G3 Loading and Unloading

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

G4 Unobstructed Driveways and Parking Areas

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

Noise

G5 Retail Centre Hours of Operation

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

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

G6 Retail Centre Service Delivery Hours

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

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

G7 Noise Control – Plant and Machinery

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

Hazardous Materials

G8 Storage of Hazardous or Toxic Material

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

Public Access

G9 Public Way to be Unobstructed

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

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

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

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

AN2 *Disability Discrimination Act*

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

AN3 *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

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

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

SCHEDULE 3

06_0258

CASUARINA TOWN CENTRE

**TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT
AREA**

STATEMENT OF COMMITMENTS

(SOURCE: PREFERRED PROJECT REPORT)



7.00 STATEMENT OF COMMITMENTS – PROJECT APPLICATION FOR STAGE 1 WORKS

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

PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
19. Development Contributions	<ul style="list-style-type: none"> The proponent will pay the lawful contributions in accordance with any condition(s) of consent granted under Part 4 of the Act and calculated in accordance with any relevant Section 94 Contribution Plan(s), taking into account any referable or other applicable credits for prior contributions to the public benefit. Such contributions will be paid at each Stage of the development relevant to such payment. 	<ul style="list-style-type: none"> The Proponent and the Local Government Authority agreeing to a range of lawful contributions to ensure the timely delivery of local infrastructure and community services. Provide certainty for the delivery and quality of the public domain elements of the project. Ensure the project's compatibility with local strategies and the Development Control Plan for Casuarina Beach. 	<ul style="list-style-type: none"> Payment will be effected prior to the issue of a construction certificate for any contributions relating to the shopping centre and prior to the issue of a subdivision certificate in respect of the other Stage 1 works.
20. Urban Design	<ul style="list-style-type: none"> Urban Design Guidelines will be developed to ensure design excellence is achieved in the architecture of private buildings and the public domain (streets, parks and squares). This will include building designs and standards. The Guidelines will also take into account the Tweed DCP requirements and the Urban Design Report of Malcolm Middleton and the Landscape Concept Report (EDAW) see Attachment 2. 	<ul style="list-style-type: none"> Ensuring that over the various stages of the development there is consistency of standards for the built environment. That the built form meets the best modern Australian coastal design standards. Ensuring that the Sustainability Objectives of the development are implemented. 	Guidelines issued prior to the issue of a construction certificate for any building works in any of the subdivision lots.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> ○ The detailed Urban Design Guidelines will be provided as part of project or development applications for subdivision and infrastructure works or building works for each of the neighbourhood stages of the Town Centre. ○ To ensure that the built forms meet the floor space ratios, heights and other criteria as contained in the table found at Section 5 "Project Amendments" of the Preferred Project Report. ○ These guidelines will be submitted with future project or development applications for subdivision and infrastructure works. ○ To ensure that any further development applications comply generally with the Concept Application Plans of approval. 		
21. Environmentally Sustainable Development	<ul style="list-style-type: none"> ○ The Proponent is committed to an adherence to the principles of sustainability as defined in the Environmental Planning and Assessment Act 1979. The proposed development will incorporate a range of relevant ESD initiatives to minimize the impact of the projected development on the environment including reduction in energy, water and waste generation by adherence to an implementation of, a suite of on-site management plans 	<ul style="list-style-type: none"> ○ Ensure that all development on the site is managed and designed in an environmentally sustainable manner 	From Stage 1 but will be implemented in all Stages of the Project.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	detailed in and/or attached to the Environmental Assessment, and upon which management protocols the proponent relies.		
22. Open Space and Public Walkway/ Cycleway Connections	<ul style="list-style-type: none"> ○ The proponent will dedicate 4164m² of privately held 7(f) zoned lands and 7351m² of privately held 2(e) zoned lands, aggregating 11515m², (4.4% of the subject lands) as public open space to encourage a larger, more legible public realm which promotes permeability along the foreshore. The dedication will be in accordance with ML Design Plan No. MP30-(Q) and Cardno Drawing No. DA40(J). ○ The public open space will facilitate the realignment and upgrading of the existing foreshore cycleway. ○ This land has or will be dedicated to Tweed Council. ○ The proponent will design and build all the landscape elements of the public space including the walkway/cycleway areas and in accordance with Attachment 2 (EDAW) ○ Landscaping is to rely heavily on the use of native species. ○ Provision will be made in the public domain for Surf Lifesaving Facilities as an adjunct to the Salt Surf Lifesaving Club. 	<ul style="list-style-type: none"> ○ The Town Centre Park will create a large open recreational area for the whole of the Casuarina Beach village. It will cater for a wide variety of public uses from passive recreation to organized public events. ○ Public access to the foreshore will be maintained and improved. ○ Full north-south pedestrian and cycle permeability throughout the length of the site. ○ Cycleway/walkways provide easy east-west pedestrian and cycle links through the site at various locations. ○ The coastal walkway/cycleway will be realigned, upgraded and appropriately landscaped to link into the cycleway/walkway to the south and north. ○ The choice of local native plants will improve the habitat of the local fauna. 	<ul style="list-style-type: none"> ○ Lands to be dedicated in accordance with the ML Design Plan No. MP30-(Q) and Cardno Drawing No. DA40(J). ML will be embellished in accordance with Attachment 2 (EDAW) and dedicated to Council prior to the issue of a subdivision certificate for the Stage 1 Project Application Works. ○ All landscape works including walkway/ cycleway and open space works and embellishments will be completed prior to the issue of a subdivision certificate for the Stage 1 Works. ○ To be dedicated in Stage 1



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
23. Foreshore Access and Public Beachside Car Parking	<ul style="list-style-type: none"> The proponent will establish approximately 175 metres of publicly accessible beach access consisting of parkland and esplanade roadway, directly east of the centre east west axis boulevard as shown on ML Design Plans MP-31(J) and MP-30(Q) and Cardno Eppell Olsen Plans Nos. 8491-901(F), 8491-902(F) and 8491-903(F) The proponent will provide a minimum of 170 car spaces at a rate of 300 public spaces per kilometre length of beach within 200m of the beach in accordance with the Cardno Eppell Olsen Plan 8491-909(C) The proponent will undertake these works and dedicate them to Council. 	<ul style="list-style-type: none"> Ensure full 24 hour a day access to the foreshore and walkway/cycleway for the public. Visitors to Casuarina Beach will have easy access to the parkland, the beach and the village facilities 	<ul style="list-style-type: none"> All works to be completed prior to the issue of a subdivision certificate for the lots created by this application. Any land dedication required for this commitment will be made as part of the subdivision certificate application. To be dedicated in Stage 1.
24. Traffic Management	<ul style="list-style-type: none"> The proponent will design and construct all roads within the Town Centre in accordance with Australian Standards and in accordance with Cardno Drawing No. DA23(H) The roadworks include connecting Casuarina Way's missing north-south link and creating a new and safer access point to the Coast Road. The proponent will design and construct all the pedestrian and cycle pathways in accordance with Cardno Plans Nos. DA40(J) and DA42 and plans contained in Attachment 2 – Landscape Concept Report, Casuarina Town Centre (EDAW) – 	<ul style="list-style-type: none"> There will be a high coordinated approach to the traffic management on the site. The mix will ensure that a proper hierarchy of roads and walkway/cycleways will be set up and the traffic movements are compatible with the pedestrian cycle movements particularly given the tourist village style of development. Separation of the retail traffic around the supermarket from the quieter recreational traffic uses near the foreshore. 	<ul style="list-style-type: none"> All roadworks/ walkway/cycleway works will be constructed prior to the issue of a subdivision certificate for the lots created pursuant to the Application.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Pedestrian Links, Cycle Circulation</p> <ul style="list-style-type: none"> ○ The road network will be capable of servicing the local bus needs. Provision for bus stops will be made. ○ The proponent will design and install all the traffic management measures, like traffic lights, in accordance with Australian Standards as may be required by the Cardno Eppell Olsen Report forming part of this Application and the conditions of approval of this Application. ○ The proponent will undertake the works required for Dianella Drive and as depicted in the Cardno Eppell Olsen report forming part of this Application or as may be required by the conditions of approval. ○ The proponent will dedicate the roads to Tweed Council at the time of applying for a subdivision certificate 	<ul style="list-style-type: none"> ○ Creates the opportunity for improved and faster bus services. ○ A safer exit/entry point to the Coast Road for the residents of Casuarina Beach. 	
25. Infrastructure	<ul style="list-style-type: none"> ○ The proponent has identified in the Cardno Report the infrastructure required to support all of the proposed development in the Concept Plan. The areas of infrastructure include: <ul style="list-style-type: none"> • sewerage • water supply • telecommunications • electricity supply • waste disposal ○ Specific commitments include: <ul style="list-style-type: none"> • Upgrading of the pumps in Pump 	<ul style="list-style-type: none"> ○ Casuarina Beach Town Centre will be well serviced with all its basic infrastructure needs from the beginning of the project. The Town Centre site is infill development and its infrastructure has been designed to accord with the overall infrastructure designed for Casuarina Beach. 	<ul style="list-style-type: none"> ○ Infrastructure works will be undertaken and will be completed prior to the issue of a subdivision certificate for the lots created by the application.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Station 2 and the installation of additional main capacity of the sewer mains.</p> <ul style="list-style-type: none"> • A connecting 150 mm diameter main to the main water supply. • All infrastructure works will be carried out in accordance with Cardno Drawings Nos DA23(H) to DA46, inclusive, or as may be required by conditions of approval • The proponent undertakes to ensure that the quality of any runoff into Cudgen Creek and to the ocean, both during and after construction of the development, will be equal to or better than current levels 		
26. Water Sensitive Urban Design	<ul style="list-style-type: none"> ○ The proponent commits to implementing a Water Sensitive Urban Design Strategy (WSUD) in accordance with the WSUD outlined in the Cardno Report on Engineering and Environmental Matters dated June 2008 submitted as Attachment 2 to the Environmental Assessment Report. ○ Specific actions are: <ul style="list-style-type: none"> • The on-site stormwater management system will capture and retain virtually all the run-off from the site. • The east west swale will be moved. • Modifications to the frontal swale. 	<ul style="list-style-type: none"> ○ The system will substantially reduce the contaminant loads in Cudgen Creek and the Pacific Ocean. ○ It meets environmentally sustainable principles. ○ The use of infiltration basins to allow stormwater to replenish the aquifer. 	<ul style="list-style-type: none"> ○ The WSUD will be delivered at the same time as infrastructure works and prior to the issue of a subdivision certificate for the lots created.



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<ul style="list-style-type: none"> Re-contouring of the site will improve the drainage patterns. 		
27. Soil Contamination	<ul style="list-style-type: none"> Consequent upon the site being cleared, the proponent will undertake at-grade and subsoil tests in accordance with the Cardno Report on Engineering and Environmental Matters dated June 2008. The tests will be similar to those undertaken elsewhere in Casuarina Beach and in the neighbouring Salt and Seaside City developments. Should it be deemed necessary, the proponent will undertake such works as may be required to ensure any levels of contamination are remediated to acceptable levels as previously accepted by Tweed Shire Council. 	<ul style="list-style-type: none"> A safer site fit for habitation 	<ul style="list-style-type: none"> Works will be undertaken in Stage 1 and completed prior to the issue of a subdivision certificate for the lots created.
28. Management of Construction Noise, Vibration, Dust, Soils and Erosion	<ul style="list-style-type: none"> Management of construction noise, vibration, dust, soil and erosion during the construction phase of the development will be undertaken strictly in accordance with the relevant management plans and in accordance with aforementioned and approved Environmental Management Plan for the development. 	<ul style="list-style-type: none"> Minimise the impacts of the construction activity on the environment and on the neighbouring communities. Cleaner site during construction. 	<ul style="list-style-type: none"> Implement prior to the issue of a construction certificate. During construction works
29. Management of Construction Waste	<ul style="list-style-type: none"> The proponent undertakes to adopt approved targets as performance requirements for the management of construction waste as may be set by the conditions of approval. 	<ul style="list-style-type: none"> Minimise the impacts of the construction activity on the environment and on the neighbouring communities 	<ul style="list-style-type: none"> During construction works



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



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



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>residential and visitor community and other statutory requirements.</p> <ul style="list-style-type: none"> ○ All of the above works shall be constructed and completed in accordance with drawings and plans contained in Exhibit Book 2 		
34. Drainage Swale	<ul style="list-style-type: none"> ○ The proponent will fill in the drainage swale. ○ The swale will be replaced by underground stormwater pipe drainage before discharging back to the existing drainage system at the northern end of the playing field area. ○ An area of 3180m² of the land comprising the swale will be dedicated as open space once it has been recontoured, grassed and a cycleway/walkway constructed thereon. The dedication shall be in accordance with ML Design Plan MP-30(Q) and Cardno Drawing No. DA40J 	<ul style="list-style-type: none"> ○ An efficient drainage system which does not create any adverse environmental impacts. ○ A more useable landscaped public area at grade with lands to the north and south of the current swale. ○ A better edge treatment between lands to the north and south of the swale. 	To be constructed in Stage 1.
35. Road System	<ul style="list-style-type: none"> ○ The proponent will construct all roads in accordance with Australian Standards. ○ The proponent will construct all roads proposed within the subject land, including kerbside, basement and other public car parking areas. ○ The proponent will construct the "missing link" north-south road link (Casuarina Way) extending from Steelwood Lane at the southern end to the 	<ul style="list-style-type: none"> ○ Provision of an efficient, safe road network that adheres to Australian Standards. ○ Provision of an esplanade and walkway/cycleway enabling public access to the beach. ○ An urban design which will create a sense of community. 	To be constructed in Stage 1 and will be completed prior to the issue of a subdivision certificate.



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



PROJECT COMPONENT	COMMITMENT	ENVIRONMENTAL OUTCOME	TIMING FOR COMPLETION
	<p>Project Application for Stage 1 Works contained in Exhibit Book 2)</p> <ul style="list-style-type: none"> ○ The shopping centre design will have <ul style="list-style-type: none"> • A high degree of pedestrian accessibility. • Interactive street frontages serviced by limited on-street parking. • Fully covered, highly visual public realm which accentuates the character and identity of the Town Centre. • Basement and at-grade parking. ○ The shopping centre will comprise: <ul style="list-style-type: none"> • supermarket (2500m²) • specialty shops (850m²) • restaurants (310m²) • amenities (75m²) • office (first floor) (400m²) • 264 car spaces • attached signage ○ The shopping centre will be constructed in accordance with Donovan Hill Architects drawings DA01H, DA02H, DA03H, DA04H, DA05I, DA06H, DA07H, DA08H, DA09H, DA10H, DA11H, DA12H, DA13H, and DA14H (see Exhibit Book 2) 	<p>area.</p> <ul style="list-style-type: none"> ○ The local shopping centre will reduce traffic on the Coast Road. This also provides environmental benefits. 	
37. Asset Protection	<ul style="list-style-type: none"> ○ The proponent undertakes that at the commencement of building works and in perpetuity, the proposed 	<ul style="list-style-type: none"> ○ To provide sufficient space and to maintain reduced fuel loads so as to ensure that radiant heat levels of 	<ul style="list-style-type: none"> ○ All Asset Protections works and services will be completed prior to the issue of



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



APPENDIX 2A

Concept Approval (as modified by Mods 1 and 2)

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*, determine:

- a. Under Section 75O of the *Environmental Planning & Assessment Act 1979*, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2;
- b. Under Section 75P(1)(c) of the *Environmental Planning & Assessment Act 1979*, that the Stage 1 project requires no further environmental assessment;
- c. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and be subject to the requirements set out in Part C of Schedule 2; and
- d. Under Section 75P(1)(a) of the *Environmental Planning & Assessment Act 1979*, that future development 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:

- Adequately mitigate the environmental impact of the concept plan;
- Maintain the amenity of the local area; and
- Encourage the orderly future development of the site.

S75W approved by the Acting Director, Regional Projects on 17 June 2010
(06_0258 MOD 1)

S75W approved by the Director General on 1 July 2011 (06_0258 MOD 2)

The Hon Kristina Keneally MP
Minister for Planning

Sydney,

2009

SCHEDULE 1

PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.• Construction of a retail centre comprising a supermarket, restaurants and shops;• Construction of a hotel;• Construction of the associated road network and car parking;• Construction of all necessary services; and• Landscaping and open space
Type of development:	Concept Plan
Determination made on:	20 September 2009
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0258

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

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

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

Council means Tweed Shire Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

Minister means the Minister for Planning.

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

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

Preferred Project Report means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

Proponent means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

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

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

SCHEDULE 2

MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- 1) Subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots.
- 2) Construction of a retail centre comprising a supermarket, restaurants and shops;
- 3) Construction of a hotel;
- 4) Construction of the associated road network and car parking;
- 5) Construction of all necessary services; and
- 6) Landscaping and open space

A2 *Staging*

The project is to be constructed in four stages generally as follows:

- (1) Stage 1 comprises:
 - (a) Bulk earthworks;
 - (b) Subdivision of the land into 61 lots;
 - (c) Construction of a retail centre;
 - (d) Closure of Dianella Drive;
 - (e) Construction of roads and services; and
 - (f) Landscaping.
- (2) Stage 2 comprises:
 - (a) Development of mixed use lots 5, 12 and 17;
 - (b) Development of commercial lot 2; and
 - (c) Development of medium density residential lot 3.
- (3) Stage 3 comprises:
 - (a) Development of mixed use lots 6 and 13; and
 - (b) Development of medium density residential lots 4, 10, 11 and 16.
- (4) Stage 4 comprises:
 - (a) Development of medium density residential lots 7, 8, 9, 14 and 15; and
 - (b) Development of hotel lot 18.

Stage 1 works may be carried out in two separate stages, referred to as 'Stage 1A' and 'the balance of Stage 1', as described in the documents and drawings listed under Condition A4(4).

A3 *Project in Accordance with Plans*

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

Design Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-31(N)		Concept Plan	17/08/09
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
MP-01-13(G)		Sun Study – Winter Solstice – June 21 – 3pm	17/08/09
Design and Survey Drawings prepared by Cardno (Qld) Pty Ltd			
DA22I	I	Existing Contours Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09
8491-101	g	Tweed Coast Road/Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way/Town Centre Drive Intersection Concept Option 1	23/01/09
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09
8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-909	C	Public Parking	14/08/09
Stage 1A drawings prepared by Cardno (Qld) Pty Ltd.			
DA103	B	Stage 1A Works Plan	18/11/10
DA105	B	Stage 1A Finished Surface Contours	18/11/10
DA119	B	Stage 1A Subdivision Layout Plan	18/11/10
DA120	B	Stage 1A Dedication and Easement Plan	18/11/10

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.

A4 *Project in Accordance with Documents*

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

Environmental Assessment Documentation

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

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009 (except in relation to the density requirements for future medium density residential and mixed use residential lots, as outlined in row 6 of the table on page 62, which is deleted).

Section 75W Modification Request Documentation

- c) *Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.

Section 75W Modification Request Documentation

- d) *Section 75W Modification: Concept and Project Approval, MP 06_0258, (as already modified) Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated November 2010.

A5 *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 Building Setbacks

A minimum building setback of 2m shall be provided to all future lots adjoining the southern boundary of the 20m wide east-west open space corridor.

B2 Cycleway

The cycleway is modified such that:

- 1) the sharp right turn at the junction of lots 4, 10 and 11 is realigned to provide a provide a larger radius curve.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for ~~Stage 4~~ the balance of Stage 1 works.

B3 Retail Centre

The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for ~~Stage 4~~ the retail centre.

B4 Bus Stops

Casuarina Way is modified such that two indented bus bays including bus shelters (one in each direction) are provided within the site. Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.

Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage ~~4~~ 1A.

B5 Beach Access through Crown Reserve

The proponent is to obtain approval from the ~~Department of Lands~~ Department of Primary Industries regarding the provision of the proposed beach access to the east of the icon building.

Note: This may require the closure of one of the existing beach accesses.

Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of a Construction Certificate for Stage 1A.

PART C— REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(1)(a) of the Act, future development for Stages 2, 3 and 4 be subject to Part 3A of the Act and are subject to the following requirements:

C1 *Residential Flat Buildings*

All future applications involving the development of a residential flat building (within the definition of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings) is to include a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

C2 *Overshadowing*

Future applications for all three storey buildings are to include an assessment of the potential for overshadowing of both adjoining buildings and public open space areas (in particular, areas of public open space).

C3 *Footpath Trading*

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) require the submission of details in relation to any proposed footpath trading or alfresco dining activities.

C4 *Operational Management Plan*

Future applications for the development of the mixed use lots (Lots 5, 6, 12, 13 and 17) and the hotel (Lot 18) require the submission of an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

C5 *Surf Lifesaving Facilities*

The future application for development of Lot 17 is to include details of the surf lifesaving facilities to be provided in the icon building. The application shall include written agreement to the proposed facilities from Surf Lifesaving Australia.

C6 *Noise Assessments*

All future applications involving development for non-residential uses are to include a noise assessment that considers potential impacts on surrounding residences both within the subject site and adjoining it. The assessment is to incorporate measures that mitigate the noise impacts of the development on the surrounding dwellings to levels considered acceptable by the *NSW Industrial Noise Policy* (EPA, 2000).

SCHEDULE 3

06_0258

CASUARINA TOWN CENTRE

**TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT
AREA**

STATEMENT OF COMMITMENTS

(SOURCE: [DOCUMENT REFERRED TO IN TERM A4\(D\)](#))



APPENDIX 2B

Project Approval (as modified by Mods 1 and 2)

Project Approval

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

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

These conditions are required to:

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

S75W approved by the Acting Director, Regional Projects Assessment on 17 June 2010 (06_0258 MOD 1)

S75W approved by the Director General on 1 July 2011 (06_0258 MOD 2)

The Hon Kristina Keneally MP
Minister for Planning

Sydney,

2009

SCHEDULE 1

PART A—TABLE

Application made by:	Kings Beach No. 2 Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0258
On land comprising:	Tweed Coast Road, South Kingscliff Lot 223 DP 1048494, Lot 3 1042119, Lot 144 DP 1030322, Lots 10 and 13 DP 1014470
Local Government Area	Tweed Shire Council
For the carrying out of:	<ul style="list-style-type: none">• Subdivision of the land into 61 lots;• Construction of the supermarket anchored retail centre;• Bulk earthworks and vegetation clearing;• Construction of all roads;• Closure of Dianella Drive;• Provision of infrastructure and services; and• Landscaping.
Type of development:	Project Application
Determination made on:	20 September 2009
Date approval is liable to lapse:	5 years from the date of determination

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06_0258

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Appeals—Third Party

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

Legal notices

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

PART C—DEFINITIONS

In this approval,

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

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

BCA means Building Code of Australia

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

Council means Tweed Shire Council

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Victor G Feros Town Planning Consultants and dated August 2008, including all Appendices.

Minister means the Minister for Planning.

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

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

Preferred Project Report means the Preferred Project Report prepared by Victor G Feros Town Planning Consultants dated 25 March 2009.

Proponent means Kings Beach No. 2 Pty Ltd or any party acting upon this approval.

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

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

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SCHEDULE 2
RECOMMENDED CONDITIONS OF APPROVAL
MAJOR PROJECT NO. 06_0258

PART A—ADMINISTRATIVE CONDITIONS

A1 *Project Description*

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

- 1) Bulk earthworks and vegetation clearing;
- 2) Subdivision of the land into 61 lots comprising 38 low density residential lots, 18 super lots for future development, 3 open space lots and 2 lots for the purposes of drainage;
- 3) Construction of the retail centre with a total floor space of 4135m² comprising a maximum of 3660m² of retail floor space. The retail floor space is composed of:
 - a. supermarket of 2500m²;
 - b. shops of 850m²; and
 - c. restaurants of 310m².

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

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

A2 *Project in Accordance with Plans*

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

Architectural (or Design) Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
Engineering Drawings prepared by Cardno (QLD) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date

DA22I	I	Existing Contours Plan	10/08/09
DA23J	J	Road Layout Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA25K	K	Cut / Fill Depths Layout Plan	21/12/09
DA26I	I	Site Cross Sections	21/12/09
DA27I	I	Erosion & Sediment Control Layout Plan	10/08/09
DA28F	F	Road No.1 Longitudinal Section	10/08/09
DA29D	D	Casuarina Way (Road No.2) Longitudinal Section	10/08/09
DA30E	E	Road No 3 (Casuarina Way) and Road No 4 Longitudinal Sections	10/08/09
DA31G	G	Road No 5 Longitudinal Section	10/08/09
DA32F	F	Road No 6 Longitudinal Section	10/08/09
DA33F	F	Road No 7 Longitudinal Section	10/08/09
DA34E	E	Typical Cross Sections Sheet 1	10/08/09
DA35G	G	Typical Cross Sections Sheet 1	10/08/09
DA36K	K	Catchment Areas and Drainage Paths	06/01/10
DA37I	I	Sewer Reticulation Layout Plan	10/08/09
DA38H	H	Water Reticulation Layout Plan	10/08/09
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09
DA42B	B	Proposed Frontal Cycleway/ Infiltration Basins Layout Plan	21/12/09
DA44D	D	Proposed Frontal Cycleway/ Drainage Re-alignment Layout Plan	21/12/09
DA46B	B	Proposed Additional Works in Lot 10	06/11/09
Traffic Engineering Drawings prepared by Cardno Eppell Olsen			
Drawing No.	Revision	Name of Plan	Date
8491-101	G	Tweed Coast Road / Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way / Town Centre Drive Intersection Concept Option 1	23/01/09
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept Path (Forward In)	14/08/09

8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	C	19M Articulated Vehicle Swept Path	14/08/09
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09
8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-906	E	Parking Bay Dimensions	03/07/09
8491-907	D	Parking Bay Dimensions	23/01/09
8491-908	E	Bus and Car Swept Path	14/08/09
8491-909	E	Public Parking	14/08/09
Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09
DA13	H	Shadow Diagrams	30/01/09
DA14	I	Building Signage Details	13/08/09
Landscape Drawings prepared by EDAW			
Drawing No.	Revision	Name of Plan	Date
08		Vehicular Street Hierarchy	August 2009
09		Pedestrian Links	August 2009
010		Cycle Circulation	August 2009
011		Street Tree Strategy	August 2009
012		Entrance Statement	August 2009
013		The Boulevard	August 2009
014		Main Street	August 2009
015		Casuarina Way	February 2010
016		Local Roads	August 2009
017		Pedestrian Links	February 2009
018		Foreshore Reserve Management Area	February 2010

019		Indicative Sections – Foreshore Reserve	August 2009
020		Civic Park	February 2010
021		Public Carpark Section	August 2009
022		Retail Centre	February 2010
Stage 1A drawings prepared by Cardno (Qld) Pty Ltd.			
DA103	B	Stage 1A Works Plan	18/11/10
DA104	B	Stage 1A Road Layout Plan	18/11/10
DA105	B	Stage 1A Finished Surface Contours	18/11/10
DA106	B	Cut/Fill Depths Layout Plan	18/11/10
DA107	B	Stage 1A Site Cross Sections	18/11/10
DA108	B	Stage 1A Erosion & Sediment Control Layout Plan	18/11/10
DA109		Road No.1 Longitudinal Section	08/09/10
DA110		Casuarina Way (Road No.2) Longitudinal Section	08/09/10
DA111		Road No.3 (Casuarina Way) Longitudinal Section	08/09/10
DA112		Road No.5 Longitudinal Section	08/09/10
DA113		Road No 6 & 7 Longitudinal Sections	08/09/10
DA114		Typical Cross Sections Sheet 1	08/09/10
DA115		Typical Cross Sections Sheet 2	08/09/10
DA116	B	Stage 1A Catchment Areas and Drainage Paths	18/11/10
DA117	B	Stage 1A Sewer Reticulation Layout Plan	18/11/10
DA118	B	Stage 1A Water Reticulation Layout Plan	18/11/10
DA119	B	Stage 1A Subdivision Layout Plan	18/11/10
DA120	B	Stage 1A Dedication and Easement Plan	18/11/10
DA121	B	Stage 1A Proposed Cycleway/Drainage Re-alignment Layout Plan	18/11/10
DA122		Proposed Additional Works in Lot 10	08/09/10

A3 *Project in Accordance with Documents*

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

- (1) *Environmental Assessment Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and,
- (2) *Preferred Project Report* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009 (except in relation to the density requirements for future medium density residential and mixed use residential lots, as outlined in row 6 of the table on page 62, which is deleted).
- (3) *Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979* prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.
- (4) *Section 75W Modification: Concept and Project Approval, MP 06_0258, (as already modified) Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated November 2010.

A4 *Inconsistency between documents*

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

A5 *Building Code of Australia*

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

A6 *Use of Certain Machinery*

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

A7 *Landscaping on Private Land*

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

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES

PART B1—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR STAGE 1A WORKS AND RETAIL CENTRE

Contamination

B1 Contamination

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

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

Design Details and Changes

B2—Design Modifications

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

- ~~(1) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The proposed easement shall be modified accordingly.~~
- ~~(2) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.~~
- ~~(3) The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1.~~
- ~~(4) Two indented bus bays including bus shelters shall be provided on Casuarina Way (one in each direction). Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters.~~

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

B2 Design Modifications

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

- (1) The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted

to the Department for approval prior to the issue of a Construction Certificate for the retail centre.

- (2) Two indented bus bays including bus shelters shall be provided on Casuarina Way (one in each direction). Where necessary, the road reserve shall be widened to accommodate the bus bay and shelters. Details shall be submitted to and approved by the Department prior to the issue of a Construction Certificate for Stage 1A.

B3 Flora and Fauna

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

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

B4 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate for Stage 1A a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Retail Centre

B5 Operational Management Plan

Prior to the issue of a Construction Certificate for the retail centre, the proponent shall submit to the Certifying Authority an operational management plan which includes, but is not limited to:

- a. Hours of operation;
- b. Security arrangements;
- c. Waste management; and
- d. Servicing arrangements.

Remediation / Demolition / Earthworks

B6 Acid Sulfate Soil Management Plan

A detailed Acid Sulfate Soil Management Plan for the site shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan shall cover the entire site and be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 1A.

B7 *Pre-Construction Dilapidation Reports*

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

B8 *Grading of Fill*

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

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

B9 *Construction Compliance Bond and Long Service Levy*

- (1) Prior to the issue of a any Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,552).

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

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

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

Construction Management

~~B10 *Construction Management Plan*~~

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

- ~~a) hours of work;~~
- ~~b) contact details of site manager;~~
- ~~c) traffic and pedestrian management;~~
- ~~d) noise and vibration management;~~

-
- ~~e) construction waste management;~~
 - ~~f) erosion and sediment control; and,~~
 - ~~g) flora and fauna management.~~

B10 Construction Management Plan

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

- h) hours of work;
- i) contact details of site manager;
- j) traffic and pedestrian management;
- k) noise and vibration management;
- l) construction waste management;
- m) erosion and sediment control; and,
- n) flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work.

~~B11 Traffic & Pedestrian Management Plan~~

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

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

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

B11 Traffic & Pedestrian Management Plan

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

- e) ingress and egress of vehicles to the site,
- f) loading and unloading, including construction zones,
- g) predicted traffic volumes, types and routes, and
- h) pedestrian and traffic management methods.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Traffic and Pedestrian Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

Traffic & Parking

B12 Intersection of Tweed Coast Road and The Boulevard

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

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

B13 Intersection of Tweed Coast Road and The Boulevard

A dedicated left turn auxiliary lane with a minimum length of 25m shall be constructed on The Boulevard (westbound) at the proposed Tweed Coast Road/The Boulevard intersection. Details of the intersection shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate [for Stage 1A](#).

B14 Intersection of Casuarina Way and The Boulevard

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

B15 Road Reserve Width of Casuarina Way

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

B16 Dianella Drive Closure

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

B17 Car Park and Service Vehicle Layout

- (1) The layout of car parks shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked.

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

~~B18~~ Car Park and Service Vehicle Layout

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

B18 Car Park and Service Vehicle Layout

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

B19 Carparking

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

Health

B20 Mechanical Ventilation

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

B21 Design of Food Premises

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

Stormwater

~~B22~~ — Stormwater and Drainage Works Design

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

B22 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the proposed subdivision subject site, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for Stage 1A works. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

B23 Stormwater and Drainage Works Design

Permanent stormwater quality treatment required as part of the Stage 1A works shall be provided in accordance with the following:

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

~~B24~~ — Design of Piped Drainage System

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

- ~~(a) a design that conveys the 100 year ARI stormwater flow, with a safety factor of 1.5 applied to design rainfall intensity, and providing a 0.5m freeboard before water can surcharge into adjoining land.~~
- ~~(b) The inlet structure at the coastal swale shall be designed to accept the 100 year ARI inflow, with measures to minimise blockage.~~
- ~~(c) The east-west drain shall be aligned to minimise bends that may reduce hydraulic capacity or create blockage points.~~

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

B25 Stormwater Works for Retail Centre

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

- (a) All roof water shall be discharged to infiltration pits located wholly within the subject allotment.
- (b) The infiltration rate for sizing infiltration devices shall be **6m** per day.
- (c) As a minimum requirement, infiltration devices are to be sized to accommodate the ARI 3 month storm (deemed to be 40% of the ARI one year event) over a range of storm durations from 5 minutes to 24 hours and infiltrate this storm within a 24 hour period, before surcharging occurs.
- (d) Surcharge overflow from the infiltration area to the street gutter, inter-allotment or public drainage system must occur by visible surface flow, not piped.
- (e) Runoff other than roof water must be treated to remove contaminants prior to entry into the infiltration areas (to maximise life of infiltration areas between major cleaning/maintenance overhauls).
- (f) All infiltration devices are to be designed to allow for cleaning and maintenance overhauls.
- (g) All infiltration devices are to be designed by a suitably qualified Engineer taking into account the proximity of the footings for the proposed/or existing structures on the subject property, and existing or likely structures on adjoining properties.
- (h) All infiltration devices are to be designed to allow for construction and operation vehicular loading.

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

B26 *Roof Water Disposal*

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

B27 *Drainage for Lots*

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

B28 *Erosion and Sediment Control*

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

- (i) *The Any* 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.
- (j) Construction phase erosion and sediment control shall be designed, constructed and operated in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".

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

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

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

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

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

B30 *Road Design*

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads (*with the exception of Road No.5 which is to be built to a rural-type construction standard as part of Stage 1A only*). All roads shall be designed in consultation with the relevant requirements of Council and the RTA (as applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B31—Landscaping Plan

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

B32—Landscaping Plan

~~A detailed landscape plan shall be prepared for all landscaping proposed. The plan shall clearly delineate between landscaping in future public areas as well as private areas. The landscape plans shall be prepared by a landscape architect or landscape consultant and approved by Council prior to issue of a Construction Certificate. Detailed landscape plans depicting landscape works in public areas shall be subject to the approval of Tweed Shire Council's Director of Engineering and Operations. The detailed landscape plan shall include the following documentation—~~

- ~~(n) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of proposed buildings indicating doors and windows and extent of basement carparking if applicable. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.~~
- ~~(o) Proposed and existing site services with potential to impact on landscape space, including water, gas, electricity, sewer, stormwater, etc.~~
- ~~(p) Easements on or adjacent to the site.~~
- ~~(q) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.~~
- ~~(r) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan shall also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.~~
- ~~(s) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).~~
- ~~(t) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.~~
- ~~(u) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. As far as possible deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees shall be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained.~~
- ~~(v) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.~~
- ~~(w) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;~~

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- ~~species listed by botanical and common names, with the majority of plants constituting local native species;~~
 - ~~expected mature size of the species at the site, taking in to consideration site specific parameters;~~
 - ~~specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.~~
 - ~~maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.~~
- (x) ~~A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.~~
- (y) ~~Planting design which demonstrates adequate screening of views to the development from Tweed Coast Road. Screening should be consistent with the current streetscape character of Tweed Coast Road.~~
- (z) ~~The location of all cycleways and pathways proposed on the site, including proposed construction materials.~~
- (aa) ~~The location of all Asset Protection Zones as approved by the Rural Fire Service.~~
- (bb) ~~Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.~~
- (cc) ~~The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.~~
- (dd) ~~The landscape plans for public open space areas (to be dedicated to Council) shall demonstrate that all bridges, boardwalks or similar structures associated with cycleways, parks or pedestrian paths are of robust construction and designed to minimise long term maintenance. The subframe will be either hardwood, recycled plastic, fibre composite or similar material. The decking, kickboards and handrails shall utilise appropriate recycled plastic materials.~~
- (ee) ~~Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17o or steeper, such slopes shall be densely planted in accordance with the landscaping plan. The plan shall include:~~
- (i) ~~Contours and terraces where the height exceeds 1m.~~
 - (ii) ~~Cover with topsoil and large rocks/dry stone walls in terraces as necessary.~~
 - (iii) ~~Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.~~
 - (iv) ~~Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the site and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.~~
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~~Note: Landscape plans depicting landscape works in public areas are to be consistent with:~~

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

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

B32 *Landscaping Plan*

Detailed landscape plan(s) shall be prepared for all landscaping proposed as part of Stage 1A and the retail centre. The plan(s) shall clearly delineate between landscaping in future public areas as well as private areas. The landscape plan(s) shall be prepared by a landscape architect or landscape consultant. The landscape plan for Stage 1A is to be approved by Council prior to the issue of a Construction Certificate for Stage 1A. The landscape plan for the retail centre is to be approved by Council prior to the issue of the Construction Certificate for the retail centre. Detailed landscape plans depicting landscape works in public areas shall be subject to the approval of Tweed Shire Council's Director of Engineering and Operations. The detailed landscape plan(s) shall include the following documentation -.

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

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- (j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which shall include;
- species listed by botanical and common names, with the majority of plants constituting local native species;
 - expected mature size of the species at the site, taking in to consideration site specific parameters;
 - specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
 - maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of one year after completion of landscaping on site.
- (k) A photomontage illustrating proposed landscaping at maturity overlain over building elevations from street frontages and adjoining development.
- (l) Planting design which demonstrates adequate screening of views to the development from Tweed Coast Road. Screening should be consistent with the current streetscape character of Tweed Coast Road.
- (m) The location of all cycleways and pathways proposed on the site, including proposed construction materials.
- (n) The location of all Asset Protection Zones as approved by the Rural Fire Service.
- (o) Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.
- (p) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.
- (q) The landscape plans for public open space areas (to be dedicated to Council) shall demonstrate that all bridges, boardwalks or similar structures associated with cycleways, parks or pedestrian paths are of robust construction and designed to minimise long term maintenance. The subframe will be either hardwood, recycled plastic, fibre composite or similar material. The decking, kickboards and handrails shall utilise appropriate recycled plastic materials.
- (r) Where earthworks result in the creation of embankments and/or cuttings greater than 1m high and/or slopes within allotments 17a or steeper, such slopes shall be densely planted in accordance with the landscaping plan. The plan shall include:
- (i) Contours and terraces where the height exceeds 1m.
 - (ii) Cover with topsoil and large rocks/dry stone walls in terraces as necessary.
 - (iii) Densely plant with sub-tropical (rainforest) native and exotic species to suit the aspect/micro climate. Emphasis to be on trees and ground covers which require minimal maintenance. Undergrowth should be weed suppressant.
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- (iv) Mulch heavily (minimum 300mm thick) preferably with unwanted growth cleared from the site and chipped. All unwanted vegetation is to be chipped and retained on the subdivision.

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

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

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

B33 Retaining Walls

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

B34 Plans to be Submitted

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

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:
 - (i) earthworks
 - (ii) roadworks/furnishings
 - (iii) stormwater drainage
 - (iv) water supply works
 - (v) sewerage works
 - (vi) landscaping works
 - (vii) sedimentation and erosion management plans
 - (viii) location of all service conduits (water, sewer, Country Energy and Telstra)

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

B35 Lighting

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

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

B36 Emergency Access

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

B37 Subdivision Works Accredited Certifier

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

C4: Accredited Certifier – Stormwater management facilities construction compliance

C6: Accredited Certifier – Subdivision road and drainage construction compliance

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

PART B2—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE FOR THE BALANCE OF STAGE 1 WORKS

Design Details and Changes

B38 Design Modifications

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

- (1) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The proposed easement shall be modified accordingly.
- (2) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.

Remediation / Demolition / Earthworks

B39 Pre-Construction Dilapidation Reports

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

B40 Grading of Fill

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

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

Construction Management

B41 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan for the balance of Stage 1 works shall be submitted to and approved by the Certifying Authority. A copy of the approved plan shall be submitted to Council. The Plan shall address, but not be limited to, the following matters where relevant:

- a) hours of work;
- b) contact details of site manager;
- c) traffic and pedestrian management;
- d) noise and vibration management;
- e) construction waste management;

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- f) erosion and sediment control; and,
 - g) flora and fauna management.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council.

B42 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan shall be prepared for the balance of Stage 1 works, prepared in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2. The plan shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- i) ingress and egress of vehicles to the site,
- j) loading and unloading, including construction zones,
- k) predicted traffic volumes, types and routes, and
- l) pedestrian and traffic management methods.

Where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Certifying Authority, stage the submission of the Traffic and Pedestrian Management Plan consistent with the staging of activities relating to that work. The Proponent shall submit a copy of the approved plan to Council. The Proponent shall submit a copy of the approved plan to Council.

B43 Carparking

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

B44 Road Design

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

Stormwater

B45 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems within the subject site, prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate for the balance of Stage 1 works. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

B46 *Stormwater and Drainage Works Design*

Permanent stormwater quality treatment required as part of the balance of Stage 1 works shall be provided in accordance with the following:

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

B47 *Design of Piped Drainage System*

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

- (d) a design that conveys the 100 year ARI stormwater flow, with a safety factor of 1.5 applied to design rainfall intensity, and providing a 0.5m freeboard before water can surcharge into adjoining land.
- (e) The inlet structure at the coastal swale shall be designed to accept the 100 year ARI inflow, with measures to minimise blockage.
- (f) The east-west drain shall be aligned to minimise bends that may reduce hydraulic capacity or create blockage points.
- (g) The works shall not result in batter slopes exceeding 1:4 (vertical:horizontal). The works must maintain minimum clearances and cover to all underground public infrastructure, as specified in Council's DCP Section A5 - Subdivision Manual, and associated Development Design and Construction Specifications.
- (h) The design of the east-west drain shall incorporate all existing drainage outlets to the existing drainage swale, including any major system flow paths.
- (i) Design detail that demonstrates the equivalency of the proposed stormwater infiltration system with the plan "Infiltration Basin Configuration - Draining to Controlled Outlet No.11", Cardno MBK, Plan Reference SK No.7079/1-24 Rev B, 7 March 2001. Infiltration basins shall be designed to absorb the 3 month ARI (deemed to be 40% of the 1 year ARI event) storm runoff from the public stormwater system, based on a maximum infiltration rate determined in accordance with Council's Development Design Specification D7 - Stormwater Quality Section D7.9.9. Design detail must clearly identify the size and extent of the contributing catchment to each infiltration basin. Infiltration basins shall be wholly contained within land dedicated to Council. Basins shall be readily maintainable, and shall only contain structures and other infrastructure where it does not conflict with performance objectives or maintainability.

B48 Erosion and Sediment Control

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

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

B49 Local Government Act Approval (section 68 Approval)

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

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

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

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

B50 Retaining Walls

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

PART C—PRIOR TO COMMENCEMENT OF WORKS

Notification Requirements

C1 Notice to be Given Prior to Commencement / Excavation

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

Structural Works

C2 Structural Details

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

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

C3 Retaining Walls

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

Pollution Control

C4 Erosion and Sediment Control

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

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

Services

C5 *Existing Services*

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

Contact Details

C6 *Contact Telephone Number*

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

C7 *Occupational Health and Safety*

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

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

PART D—DURING CONSTRUCTION

Construction Management

D1 Approved Plans to be On-site

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

D2 Site Notice

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

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

D3 Use of Public Land

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

D4 Public Access

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

D5 Protection of Trees – Street Trees

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

D6 Council Inspections

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

Roadworks

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

Water Reticulation, Sewer Reticulation, Drainage

- 10) Excavation
- 11) Bedding
- 12) Laying/jointing
- 13) Manholes/pits
- 14) Backfilling
- 15) Permanent erosion and sedimentation control measures
- 16) Drainage channels
- 17) Final inspection - on maintenance
- 18) Off maintenance

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

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

Structural Works

D7 Setting Out of Structures

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

Site Maintenance

D8 Erosion and Sediment Control

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

D9 Erosion and Sediment Control Inspections

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

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

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

D10 Disposal of Seepage and Stormwater

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

D11 Dust Control Measures

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

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

Noise and Vibration

D12 Hours of Work

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

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

Works may be undertaken outside these hours where:

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

D13 Construction Noise Objective

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

D14 Construction Noise Management

For all stages of the project, the Proponent shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday

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- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Management Plan.

D15 *Vibration Criteria*

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

Earthworks

D16 *Earthworks*

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

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

D17 *Disposal of Material*

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

D18 *Surrounding Roads*

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

D19 *Road Construction*

- (1) Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant shall be submitted to Council for approval. The design shall demonstrate:
- (a) That the pavement has been designed in accordance with Tweed Shire Council's Development Design Specification, D2.
 - (b) That the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255.
 - (c) That site fill areas have been compacted to the specified standard.
 - (d) That supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.
- (2) During the relevant stages of road construction, reports shall be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating.

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- (a) That the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
 - (b) That pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

Heritage

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

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

PART E—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

E1 *Part 4A Certificate*

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

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

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

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

E2 *Compliance Certificate*

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

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

Note:

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

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

E3 *Defect Liability Bond*

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

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

6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

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

E4 Maintenance Bond

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

Alternatively, the developer may elect to pay a cash contribution to the value of the footpath construction works plus 25% in lieu of construction and Council will construct the footpath when the subdivision is substantially built out. The cost of these works shall be validated by a schedule of rates.

Earthworks

E5 Contamination

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

E6 Retaining Walls

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

Geotechnical

E7 Dilapidation Report

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

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

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:

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- a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
 - b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c. Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
 - 3) Privately owned infrastructure on community land may be subject to the creation of statutory restrictions, easements etc in accordance with the *Community Land Development Act 1989*, *Strata Schemes Management Act 1996*, *Conveyancing Act 1919*, or other applicable legislation.
 - 4) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.
 - (a) A restriction as to user for each lot that has the benefit of a retaining wall that prevents any cut or fill greater than 0.3m in vertical height within a zone adjacent to the wall that is equal to the height of the wall.
 - (b) Each lot burdened and or benefited by a Type 1 wall as defined in AS4678-2002 Earth Retaining Structures, shall contain a restriction to user advising the landowner of the need to maintain the wall in accordance with that standard.
 - (c) A restriction as to user for all lots adjoining the 20m wide **dedication area** containing the east/west cycleway link to:
 - (i) Prohibit the construction of fences within the **dedication area**; and
 - (ii) Provide a minimum building setback of 2m to the boundary of the **dedication area**.
 - (d) A restriction as to user for all lots requiring the infiltration of all stormwater runoff from roof, hardstand / carparking, and impermeable landscaping areas in storm events up to the 3 month ARI event (deemed to be 40% of the 1 year ARI event), assuming a maximum infiltration rate of 3m per day.
 - (e) the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.
 - 5) The restriction is to be clearly marked on the plan of subdivision and Council is to be nominated as the sole party to vary, modify and/or extinguish the restriction.

Services

E9 Electricity

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

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

E10 Water and Sewerage

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

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

E11 Utilities –Telephone and Electricity Services

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

Dedication of Land

E12 Dedication of Open Space

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

E13 Dedication of Internal Roads

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

E14 Road Names

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

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

E15 Damage to Public Infrastructure

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

E16 Stormwater Gully Lintels

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

E17 Asset Creation Form

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

E18 Works As Executed Plans

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

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

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

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

E19 Survey marks

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

E20 CCTV Inspection

Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints

and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

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

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

Monetary Contributions

E21 Section 94 Monetary Contributions

Amount of Contributions

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

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

Timing and Method of Payment

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

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

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

Section 94 Plans

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

E22 Section 64 Monetary Contributions

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

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

The current charges applicable are:

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

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

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

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Stormwater Quality Control Devices

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

F2 Fire Safety Certificate

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

F3 Annual Fire Safety Statement

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

F4 Mechanical Ventilation

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

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

F5 Structural Inspection Certificate

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

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

F6 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved

development, is be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

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

Easements

F7 Registration of Easements

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

PART G—POST OCCUPATION

G1 Demand Management Strategy

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

Fire Safety

G2 Annual Fire Safety Certification

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

Traffic and Parking

G3 Loading and Unloading

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

G4 Unobstructed Driveways and Parking Areas

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

Noise

G5 Retail Centre Hours of Operation

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

Day	Commencement time	Cessation time
Monday	8:00am	9:00pm
Tuesday	8:00am	9:00pm
Wednesday	8:00am	9:00pm
Thursday	8:00am	9:00pm
Friday	8:00am	9:00pm
Saturday	8:00am	9:00pm
Sunday	8:00am	9:00pm

Public Holidays	8:00am	9:00pm
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G6 *Retail Centre Service Delivery Hours*

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

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

G7 *Noise Control – Plant and Machinery*

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

Hazardous Materials

G8 *Storage of Hazardous or Toxic Material*

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

Public Access

G9 *Public Way to be Unobstructed*

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

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

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

AN2 Disability Discrimination Act

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

AN3 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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

SCHEDULE 3

06_0258

CASUARINA TOWN CENTRE

**TWEED COAST ROAD, CASUARINA BEACH, TWEED LOCAL GOVERNMENT
AREA**

STATEMENT OF COMMITMENTS

(SOURCE: [DOCUMENT REFERRED TO IN CONDITION A3\(4\)](#))