

Council Reference: DA09/0701 LN35979  
Your Reference: MP09\_0166

17 October 2013

The Director Urban Assessments  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

**Attention: Kim Johnston**

Dear Ms Johnston

**Development Application MP09\_0166 (Council Reference DA09/0701) - 261 Lot Community Title Residential Subdivision (Department of Planning Application MP09\_0166) at Lot 1 DP 169490 & Lot 1 DP 175235 & Lot 1 DP 304649 & Lot 1 DP 781687 & Lot 1 DP 781697 & Lot 40 DP 254416 & Lot 43 DP 254416; No. 37 Fraser Drive BANORA POINT; Lot 2 DP 778727; Parkes Lane TERRANORA**

I refer to your letter dated 23 August 2013 in which you seek Council's comments on the addendum to the PPR for Altitude Aspire.

Council notes the changes to the project (as detailed by you) are as follows:

- Inclusion of proposed Lot 501 as a reservoir site.
- Reconfiguration of the proposed Lot 820 (now Lot 819) park to improve its shape and usability.
- Reconfiguration of proposed Lots 810, 811, 827 and 828 to provide lots of a regular size and configuration.
- Retention of Lot 701 (Medium density lot) with appropriate retaining walls, fencing and pathways to delineate the public/private interface as indicated on the amended Landscaping Plans.
- Nomination of potential dual occupancy allotments (24).
- Lot 610 dedicated as a drainage reserve rather than public reserve.
- Stage 11 deleted and included in Stage 1.
- Access road to Fraser Drive (Road 1) now designated as a permanent road.
- Revised plans and specialist reports as identified in the Annexures A to K.
- A reduction in the total number of lots to 261 (from 321 Lots) as outlined in the table which provides a summary of the various lot types in each stage.

Accordingly the following comments are provided by Council Officers to assist you in the determination of the application.

Generally the Addendum to the PPR resolves some minor matters relating to the subdivision, however a number of significant matters are not addressed, and the consent conditions as previously recommended by Council (12 June 2013) remain applicable unless specifically addressed in the following letter.

#### Fraser Drive Connection (Road 1)

Council had previously advised that the design of the Fraser Drive connection (Road 1) must be for a permanent public road, in accordance with Council specifications.

The Addendum PPR shows that Stage 11 has now been deleted and included in Stage 1 and the access road to Fraser Drive (Road 1) is now designated as a permanent road.

Council is satisfied with this aspect of the proposal and no further action or conditions are required in this regard.

#### Road Hierarchy

Council had previously advised that various changes to the road hierarchy were required for consistency with Council's standards and specifications (Tweed DCP Section A5 Design Specification D1 Road Design).

The Addendum PPR shows that all roads have been amended as requested and a revised road hierarchy plan was provided (in Annexure C).

Council is satisfied with this aspect of the proposal and no further action or conditions are required in this regard.

#### Retaining Wall Layout Plan

Council had previously advised that the engineering plans showed a large number of inter-allotment retaining walls and batters throughout the site. Council advised that these needed to be assessed against the urban design provisions in Tweed DCP Section B24 Area E Urban Release Development Code.

The Addendum PPR now show 28 lots are graded 0-7 degrees to permit slab on ground housing. The revised plans are not clear on the extent and location of any proposed retaining walls. Whilst the sites have been graded to 0-7 degrees the street slopes indicate a 12 -16 degrees slope and this would indicate the requirements for multiple inter allotment walls to meet the resultant flatter allotment grades. This does not conform to Tweed DCP Section B24.

There has certainly been some improvements to obtain a variety of slope responsive opportunities for future houses and this is encouraged to meet the future desired character of the subdivision. It is further noted that the indicative display village now incorporates a variety of lots with a variety of slopes which is also encouraged.

However, Council maintains its previous concerns that the development as a whole does not entirely meet the intent or required outcomes of the Tweed DCP Section B24 in regards to slope responsive design.

If the Department are prepared to recommend approval of the application with the current earthworks and retaining walls shown then an additional condition of consent is recommended to impose a Restriction on Title to ensure future purchasers are aware of the type of home that should be constructed on certain blocks.

An addition to Condition 110 with a new point (h) is recommended as follows

110. The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
- (h) A Restriction As To User requiring the future homes on lots to be responsive to the slope of the block. The restriction should specifically list all 255 residential lots and detail what slope category the allotments fall within (having regard to Structural Systems Plan as prepared by Local Office Architecture Version SK.0002 and dated March 2013 Issue D). Each lot will be burdened to construct a house typology based on the below indicative Structural System dependant on slope.

STRUCTURAL SYSTEM PLAN		
SLOPE TYPE	INDICATIVE STRUCTURAL SYSTEM	YIELD
FLAT 0-6°		
0-7%	SINGLE SLAB ON GROUND*	28 (11.0%)**
7-10%	STEPPED SLAB ON GROUND* (min, 500mm STEP IN SLAB)	56 (22.0%)**
MODERATE 6-12°		
10-14%	STEPPED SLAB ON GROUND*	40 (15.7%)**
14-18%	SPLIT LEVEL*	25 (9.8%)**
18-21%	SLAB AND SUSPENDED FLOOR*	24 (9.4%)**
STEEP 25-36,3%		
21-25%	PART SLAB, PART PLATFORM*	36 (14.1%)**
25-28%	PART SLAB, PART PLATFORM*	10 (3.9%)**
28-32%	POLE DESIGN, PLATFORM SYSTEM OR SPLIT LEVEL*	24 (9.4%)**
EXTREME >32%		
32-36%	POLE DESIGN, PLATFORM SYSTEM OR SPLIT LEVEL*	7 (2.7%)**
> 36%	POLE DESIGN, PLATFORM SYSTEM OR SPLIT LEVEL*	5 (2.0%)**
255 LOTS (100%)		

\*Refer Figure 4.7 of Section B24 for detailed description of Indicative building types  
 \*\*Percentage figure is based on dwelling numbers

### Earthworks Phasing Plan

Council had previously advised that Stage 5 earthworks should be incorporated into Phase 1 earthworks as it contains road connections between Market Parade and earlier stages of development and contains considerable cut which may assist in further works in the Stage 6 open drain as part of Phase 1.

The Addendum PPR does not propose to incorporate Stage 5 into Phase 1 earthworks. There is an approximate balance in Phase 1 earthworks and to include the cut from Stage 5 would create a surplus that would have to be placed elsewhere on site. Stage 6 is not an appropriate location for this fill due to stormwater management issues and risks to erosion and sediment control.

The road connection to Market Parade is considered important from a traffic perspective and is critical to introducing public transport to the initial stages of the development. Inclusion of Stage 5 into Phase 1 (at least the component that allows for construction of the road connection) should still be required via consent conditions. Council's originally recommended condition 14 is still recommended which states:

*14. The phasing of bulk earthworks as depicted on the "Ultimate Earthworks Phasing Plan" (Bradlees Consulting Drawing Number SK 3562 Revision D) shall be amended to include in Phase 1, as a minimum, the works in Stage 5 necessary to form the road extension of Market Parade (Road 2), in order for these road works to be undertaken as part of Stage 4 civil works.*

### Voluntary Planning Agreement

Council had previously advised that Council and the applicant have failed to reach agreement on all matters relating to infrastructure provision, specifically in the water and sewerage areas. As such the draft VPA provided in the PPR, was not considered acceptable to Council.

The Addendum PPR provides a Draft VPA document (Annexure I), following further negotiation with Council. The revised Statement of Commitments have been amended to include a commitment to enter into a VPA.

This is now satisfactory to Council, subject to finalisation of the VPA document. Council and the applicant have agreed on the terms of the VPA and this is now being finalised by the lawyers.

In regards to the restoration aspect of the VPA the document includes Schedule (2c) of contributions for Environmental Land Purchase and Restoration, with costings based on discussions between Council and the Applicant. This schedule appears consistent with estimates provided by Council Officers, however it must be noted that these are broad and indicative and costings only, and will require revision in accord with the revised and Council-approved Wetland and Habitat Restoration Plans upon their finalisation.

As requested, the VPA has been revised to refer to these revised plans. Clause 14.1 of the Draft VPA states:

*The monetary Development Contributions paid by the Developer to the Council in accordance with Item 4 in the Schedule 1 Table are to be applied by the Council towards restoration and management Works on land comprising Lot 227 DP755740, and other lands identified within Area E, in accordance with a Wetland Restoration Plan and Habitat Restoration Plan endorsed by the Council after:*

*14.1.1 that land has been purchased by the Council, and*

*14.1.2 the Council has accumulated sufficient funds to undertake the Works.*

This is considered satisfactory, provided that the Habitat and Wetland Restoration Plans and associated costings are revised in a timely manner and prior to the commencement of construction. Restoration Plans will need to reference the DCP and include areas referred to in the Draft VPA as "*Additional land excluded from urban footprint DCP-B24*".

Council is also considering amending the VPA so that the VPA itself funds the review of the restoration plans so Council can project manage the review.

The revised 'Statement of Commitments' still nominates the VPA to be finalised Prior to Subdivision Certificate not Prior to Construction Certificate as recommended per p.19 of TSC letter of 12 June 2013.

Condition 10 should be slightly amended to read as follows:

10 *The Developer shall enter into a Voluntary Planning Agreement (VPA) with Council for the payment of monetary contributions towards the provision of (but not limited to) the following:*

- Road infrastructure;*
- Structured open space;*
- Flood mitigation infrastructure;*
- Purchase of environmental land;*
- Wetland restoration and management in accordance with a Council endorsed Wetland Restoration Plan; and*
- Habitat restoration and management in accordance with a Council endorsed Habitat Restoration Plan,*

*for the Terranora Area E Land Release Area, prior to the issue of the first construction certificate. All monetary contributions required under the Voluntary Planning Agreement shall be paid to Council to correspond with the Stage(s) being released, prior to the issue of each Subdivision Certificate for the development, or as otherwise specified in the VPA.*

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

A copy of the latest version of the VPA will be provided to you.

#### Potential impact on hydrology of SEPP14 wetland and freshwater wetland

Council had previously advised that the applicant proposed to construct an earth bund as part of the Phase 1 bulk earthworks to create a detention area in the environmental buffer area north of the future Broadwater Parkway. The bund will encompass a mapped area of freshwater wetland EEC, so the hydraulic design of the structure is important not only for minimising engineering impacts, but also for ecological objectives.

Council requested that additional detail be provided in the application regarding any likely impact on the Freshwater Wetland EEC in the north of the subject site and the adjacent SEPP 14 wetland as a result of:

- The proposed point discharge (as opposed to the current diffuse discharge) and higher volume of water input during storm events; and
- Drying during times of low flow due to the barrier effect of the Broadwater Parkway

The Addendum PPR provides an additional report (Annexure E – Addendum Ecological Assessment) which effectively summarises the major influences on wetting and drying of the wetland areas, being tidal gate structure, groundwater and Terranora Broadwater surface height. The Addendum states that the changes to drainage and flow regimes brought about by the development "...will not increase nor decrease the total volume of water reporting to the wetland, they will simply change the timing of those waters by a matter of hours."

The Addendum also describes the relevant drainage design aspects that have been proposed to negate any barrier effects of the proposed Broadwater Parkway. As requested, guidance has been provided regarding mitigation measures to assist with avoiding impacts of the point discharge on restoration works during times of high flow have also been provided.

It is considered that the Addendum to the Ecological Assessment adequately addresses Council's previous concerns with regard to the above provided that Condition 2 of the previously recommended conditions of consent is modified to reflect a revised plan and Condition 2 should now read as follows:

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

[GEN0005]

Upon review it is also recommended that Condition 24 be amended to read better and should state as follows:

24. *The Vegetation Management & Rehabilitation Plan is to commence upon Project Approval and continue to be implemented by the proponent until the performance targets are met and until such time that an agreement has been reached with Council for the dedication of the lands to which the plan applies.*

*Prior to Issue of a Construction Certificate the Vegetation Management and Rehabilitation Plan is to be revised to incorporate the following*

- *The VMRP should state when the Plan is to commence. Commencement is expected upon project approval in order to maximise lead time for restoration and rehabilitation works.*
- *The Plan appears to assume a 5-year implementation period. It is considered that vegetation management and rehabilitation should be maintained by the proponent until an agreement for dedication of the lands to Council has been reached.*

- *The Plan should be revised to include performance standards and management actions relating to the two stages of rehabilitation, i.e. an initial establishment phase and the ongoing maintenance period.*
- *Monitoring programs are provided for "Revegetation Areas" and "Natural Regeneration Areas." Whilst the plan states that the restoration contractor is to be responsible for planting of wetland areas, it is unclear who is to be responsible for the maintenance of these areas throughout the duration of the plan and whether monitoring is also to be carried out in the planted areas within the open space and stormwater detention areas.*
- *Monitoring reports should be forwarded to Council on an annual basis.*
- *Monitoring should include a parameter with which to record the survival of planted stock.*
- *Planting out of bioretention basins and surrounding open space areas should be undertaken immediately following disturbance.*

[PCCNS03]

### Amended Landscape Masterplan

The Amended Landscape Masterplan identifies various treatment areas as "Wetland", "Revegetation Zone", "Buffer", and provides a Planting Palette for these areas. The Addendum to the Ecological Assessment also refers to "Regeneration" and "Wetland" areas, with their own planting lists in the Vegetation Management & Rehabilitation Plan however these areas and their intents are quite different. In order to reduce confusion, it is recommended that the terminology is revised in either the Ecological Assessment or the Landscape Masterplan to create unique identifiers for all management areas across the subject site.

### Water & Sewer Infrastructure

The developer has created Lot 501 for locating a water supply reservoir, however Council cannot provide approval regarding lot size until further information regarding the water infrastructure is provided.

The following must be taken into consideration for the lot size:

- Full access around the reservoir for maintenance vehicle and crane access (ie: >3m wide access road around reservoir)
- Location of booster pumping station and access for maintenance vehicles to booster pumping station.
- Inclusion of in/ out pipeline to reservoir > 4m wide. (ie: pipeline not to be located within Lots 503 and 504 as full access to pipeline must be provided)

In Annexure J - Revised Statement of Commitments, Section 27, the developer has stated that they will provide a comprehensive water and sewer strategy prior to the issue of a Construction Certificate for Stage 1.

As per Council's response to the revised Preferred Project Report (PPR) document submitted to Council by the developer in April 2013, Council request the following dot changes to Section 27:

- 27.1.1 - A comprehensive water and sewer strategy to be provided to Council that comply with Council conditions as follows:
- 27.1.2 - Adequate reservoir storage and mains of adequate size to deliver the flow at peak hour rate.
- 27.1.3 - Provision of a 0.8ML reservoir on Lot 501 to provide peak hour demand to the total area. The size and shape of the lot 501 for the reservoir is indicative only and the actual size and shape shall be determined prior to construction certificate on the basis of the actual design taking into consideration the following:
  - Full access around the reservoir for maintenance vehicle and crane access (ie: >3m wide access road around reservoir)
  - Location of booster pumping station and access for maintenance vehicles to booster pumping station.
  - Inclusion of in/ out pipeline to reservoir > 4m wide. (ie: pipeline not to be located within Lots 503 and 504 as full access to pipeline must be provided)This may require an application to modify the consent if the necessary changes are significant variations.
- 27.1.4 - Provision of a booster pumping station on Lot 501 for high level zones above 55m AHD including a gravity bypass for fire flows.
- 27.1.5 - Provision of maximum pressure in the reticulation mains not exceeding 78m head.
- 27.1.6 - All reticulation areas serviced by Pressure Reducing Valve (PRV) installations shall be designed to minimise the number of PRV installations across the area.
- 27.1.7 - All lots to receive gravity flow from the Reservoir to ensure a fire fighting appliance can extract water from the adjacent mains.
- 27.1.8 - Provision of a Regional SPS 3027 as per Councils' requirements to accept flows from the remaining portions of Area E, SPS 3033 Henry Lawson Drive (Terranora Village) and future flows from the existing un-sewered areas of Parkes Lane and Market Parade. A lot of suitable size, shape and location for the regional sewer pump station shall be dedicated to Council in fee simple. This may require an application to modify the consent if the necessary changes are significant variations.

The above changes should be made prior to any consent being issued.

Since the addendum PPR shows the intention to put a reservoir on the highest part of the development to service the development, it is considered that the previous deferred commencement condition C(i) will have been fulfilled and can accordingly be deleted.

### Contaminated Land

The revised developer submission has now been supported by 'Site Audit Advice' from Marc Salmon. This advice, in summary, states:

Whilst substantial investigation and information exists, it is insufficient in the context of 'current industry practice'. An additional site history review and detailed site walkover is required. Remediation in accordance with a RAP is required for buried asbestos pipes and waste areas, with additional investigation and remediation conducted prior to and during bulk earthworks.

The Planning consultant, Daryl Anderson has requested that a deferred commencement development consent be provided.

Review and certification of the project by the accredited contaminated land auditor will ensure the land is suitable for the proposed use subject to the following new deferred commencement condition.

### *New Condition*

#### Deferred Commencement

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended), Major Project No. 09\_0166 consent shall not operate until the applicant provides the following information to the satisfaction of the consent authority. The information shall be provided within 12 months of the date of determination of the application.

1. An additional site history review is required, addressing the comments from Mr Marc Salmon dated 9 August 2013 and the requirements of the relevant regulatory guidance. This should include the appropriate data usability and statistical interpretation of the existing data, and identify data gaps to be addressed.
2. A detailed site walkover is also required, to field truth and map all potential areas requiring further investigation and remediation.
3. From items 1 and 2 above, a sampling, analysis and quality plan (SAQP) shall be developed, for the purpose of:
  - a) Addressing areas of the site which have not been targeted to date, or any contaminants which should have been analysed; and
  - b) Developing appropriate methodology to confirm the previous data is acceptable for use, by re-sampling a proportion of the areas already sampled, and providing statistical justification that the previous data is suitable for use.
4. A Remediation Action Plan (RAP) shall be prepared addressing identified areas requiring remediation, additional assessment and validation as necessary and a Section B Site Audit Statement shall be provided certifying that the site can be made suitable by the implementation of the RAP. Conditions imposed on the Site Audit Statement shall form part of this consent.

In addition to the above new Deferred Commencement Condition the following two new conditions should be incorporated into any consent under the heading "Prior to Issue of a Subdivision Certificate":

- # The site shall be remediated in accordance with the approved remediation action plan prior to the issue of a Subdivision Certificate for each stage. The Subdivision Certificate Application shall be accompanied by a Site Audit Statement from a NSW EPA Accredited Contaminated Land Site Auditor which certifies that the land is suitable for the proposed use.

- # A copy of the contaminated land site audit statement and a report which details the extent of remediation works undertaken on the site shall be provided to Council prior to issue of the subdivision certificate.

### Disposal of Soil Offsite

Previously, Option 4 under Table 2.4 Post Landforming, of the Soil Preservation Management Plan Altitude Aspire Terranora NSW Gilbert & Sutherland April 2013 (10849-SPMP-RMF1F.DOC) proposed that excess high value agricultural soils may be exported off site where they are not required for construction of the subdivision. Council had recommended a condition (Condition 8) that said *Prior to the export of any soils from the site the results of soil testing shall be provided to the satisfaction of the General Manager or his delegate which demonstrate that the soils are suitable for the proposed use or receiving site.*

The current submission indicates that there will be a balanced earthwork operation and there will be no excess spoil that needs to be hauled off site. Therefore the previously recommended condition 8 is no longer necessary.

### Fraser Drive Road Traffic Noise

Council had previously reviewed the applicants Acoustic Report and concurred that to minimise adverse impacts on the landscape and scenic quality of the locality, it is not proposed to erect an acoustic fence on the Fraser Drive frontage of the site. However future road traffic noise levels were predicted to be above the criteria in some instances, for lots fronting Fraser Drive. The report recommended the placement of an 88B notation on the title of the affected lots being lots 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 1102, 1103, 1104, 1105, 1106 and 1107. This was recommended as Council's previous Condition 110(f)

The Addendum PPR makes modifications to the subdivision layout. The lots to which the 88B notation is applicable remain substantially unchanged and submission of a revised acoustic report is not warranted. However the proposed lot numbers have changed and Condition 110 (f) should now read:

#### *Condition 110*

- (f) *The following Restriction on Title is to be imposed on all residential lots created that are adjacent to Fraser Drive:*

*Future dwellings on noise affected lots identified in the Acoustic Report (Lots 122-142 and Lots 201-205 and Lots 301-304 and Lot 324) prepared by TTM (ttm ref: 11GCA0048 RO1\_7) dated April 2013 are to be designed in accordance with the procedures of Australian Standard AS3671:1998 'Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction' to achieve the internal sound levels outlined in SEPP (Infrastructure) 2007 - Regulation 102 which are reproduced in Section 4.2 of the TTM report. Purchasers of noise affected lots will be responsible for obtaining an Acoustic Assessment from an Acoustic Consultant and shall construct their dwellings in accordance with the recommendations contained in the assessment report.*

## Open Space

Compliance with Council Subdivision Guidelines - as previously advised much of the casual open space does not comply with Council's Subdivision Guidelines. However, given the steep nature of the site Council has determined that the casual open space is generally acceptable.

The applicant's reference to 'complying areas' (Amended Landscape Master Plan 12 Aug 2013 - Figure 3, page 6) is wrong. The areas shown do not comply, but Council has agreed to accept the proposed variations. Also please note that Lot 712 is incorrectly described as Lot 713 on the same drawing.

The proposed pocket Park at Lot 819 (Previously Lot 820) is a difficult site and the function of this park has never been clearly defined. The main recreational benefit from this area is views to the north and east. The amended plans provide a more functional shape and slope, although the landform sloping steeply away from the road remains a poor basis for developing a functional park.

Cross sections of the park that also show the view lines over the surrounding houses should be provided before plans are approved. This is because of the problem with the slopes, the large number of retaining walls on the site and the importance of providing views.

The large number of retaining walls in the park represents increased maintenance costs for Council. This is undesirable, however choice of the site for this park has made this unavoidable.

Amendments to the Landscape Masterplan will be required at the detailed design stage following closer assessment of each park's and streetscape design. The currently submitted plans are conceptual only.

The previously recommended conditions are still valid although

- Deferred Commencement Condition C (iii) can now be deleted
- Condition 25 (f) needs to reflect new Lot 819 instead of Lot 820.

## Specific Comments on the Revised Lot Configurations

The reduction of total lots from 263 to 261 is noted and accepted (due to 2 x Public Reserves being deleted. Prior Lot 610 now included as part of the Drainage Reserve; Prior Lot 927 now included as road reserve.

Lots in the south-western corner in the vicinity of Market Parade / Parkes Lane have been reconfigured to improve Public Reserve Lot 819 (formerly Lot 820), and awkward shaped Lots 810, 811, 827 and 828. (Lots reconfigured are 809 - 812, 819, 820, 826 – 829.) This is considered satisfactory. Lot 811 still however requires the creation of an off-street visitor parking space due to its narrow road frontage, as is nominated on the plan.

This will require modification of recommended Condition 110(e) as per TSC letter of 12 June 2013 which stated:

110 *The creation of easements for services, rights of carriageway and restrictions as to user (including restrictions associated with planning for bushfire) as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:*

*(e) A Restriction As To User over Lots 810, 811, 827 and 828 requiring the provision and construction of a designated off-street parking space, in conjunction with the construction of any dwelling on the site.*

Condition 110(e) should now only nominate Lot 811.

Deletion of Condition C(vi) in Schedule A is also recommended accordingly which stated:

- C. *The applicant must submit amended subdivision and earthworks plans to demonstrate:*
- vi) *Reconfigured allotment shapes to ensure all lots are standard in size and shape;*

The revised Road Hierarchy Plan SK3628E and corresponding adjustment of road widths, as required per Condition C(x) of Schedule B, are satisfactory. Although consequent lengthening of lot boundaries and increased areas have not been consistently followed through, this is only a minor hindrance and does not necessitate further amendment of the plans. There is appropriate scope for such minor variations to be rectified during the CC stage and confirmed at SC stage.

Accordingly Condition C(x) of Schedule A can be deleted which stated:

- C. *The applicant must submit amended subdivision and earthworks plans to demonstrate:*
- x) *Road Hierarchy Plan SK 3628(D) to be amended as follows:*
- For consistency with Council's standards and specifications, the 'Collector Road' description should be changed to 'Neighbourhood Connector'.*
- Delete the second 'Collector Street' category with the 16m wide road, and transfer the road in that category (part Road 1) to the 17m Access Street category.*
- Alter 'Collector Street' description to 'Access Street'*
- Road 10 is to be altered to a 17m wide Access Street.*
- Delete the 16m Access Street category and transfer all roads under that category to the 14.5m Access Street category.*

The pathway between Lots 901 and 925 is noted as being reduced from 6m wide to 4m wide. No concerns are raised with this.

The Right-of Way now being created through the Resident's Association Lot 713 is noted as being beneficial alteration.

The following comments refer to the 'Engineering Issues' response by Brad Lees:

- Footpath crossfall variations are not intended to be explored. No concerns in this regard. The applicant can still pursue this option at CC preparation stage. Accordingly Condition C(xi) can be deleted which stated

*C. The applicant must submit amended subdivision and earthworks plans to demonstrate:*

*xi) The applicant is invited to explore footpath crossfall variation allowances, for that section of footpath area within 1.1m of the property boundary, as notated on TSC standard drawings SD001 and SD002: "Tweed Shire Council may consider steeper crossfalls in this zone where topographical constraints exist". This may have a beneficial effect on landforming compatibility and bulk earthworks volumes.*

- Garbage vehicle accessibility comments are noted and accepted.
- The provision of a modified "T" turn-around provision for Road 13 is accepted. Condition 37(a) can be deleted accordingly which stated:

*37. The proponent shall submit plans and specifications with any application for construction certificate for civil works, including but not limited to bulk earthworks, roadworks, any associated subsurface overland flow and piped stormwater drainage structures and associated systems, reticulated water supply and sewer infrastructure and associated works, electrical and telecommunication services etc, to facilitate the orderly construction of the subdivision as approved by this consent. All works shall be designed in accordance with Councils Development Design and Construction specifications and cover all Stages of the proposed development.*

*The following matters must also be addressed by the relevant construction certificate(s);*

*(a) The termination treatment of Road 13 is not considered acceptable and a turn-around provision is considered necessary, Acceptable options in this scenario include a cul-de-sac bulb, 'Y' or 'T' road head formations or similar options as approved by Council.*

### Architectural Plans – Medium Density Lot Indicative Plans

Council previously raised an issue that the medium density sites were shown on steeply sloping sites and that the applicant should demonstrate how the sites could accommodate a suitable medium density development.

The addendum PPR is supported by architectural site plans for proposed Lot 926 but shows no cross sections or no demonstration of how that site plan responds to a steep slope. This issue remains outstanding.

## Developer Contributions

The Addendum PPR does not change the overall number of residential lots but it has proposed changes to the number of lots within each stage and accordingly Council's previously recommended conditions 98 and 99 need amending to reflect the new number of residential lots within each proposed Stage. The following table shows this change:

<u>Stage Number</u>	<u>PPR Number of Residential Lots</u>	<u>Addendum PPR Number of Residential Lots</u>
Stage 1	36 Lots	43 Lots
Stage 2	41 Lots	28 Lots
Stage 3	11 Lots	24 Lots
Stage 4	50 Lots	50 Lots
Stage 5	24 Lots	23 Lots
Stage 6	9 Lots	9 Lots
Stage 7	11 Lots	12 Lots (includes 2 med density lots and the community lot)
Stage 8	40 Lots	40 Lots
Stage 9	26 Lots	26 Lots (includes 2 med density lots)
Stage 10	Nil Lots	Nil Lots
Stage 11	7 Lots	Deleted
<b>TOTAL</b>	<b>255 Residential Lots</b>	<b>255 Residential Lots</b>

The subject site encompasses 8 existing land parcels as listed below:

- Lot 1 in DP 304649
- Lot 1 in DP 175235
- Lot 1 in DP 781687
- Lot 2 in DP 778727
- Lot 1 in DP 781697
- Lot 1 in DP 169490
- Lot 40 in DP 254416
- Lot 43 in DP 254416

Each of these allotments has 1ET credit for the applicable S94 Plans (Plan No's 4 (Sector 5), , 11, 12, 13, 15, 18, 22 and 26). Therefore a total of 8ET credits are available to Stage 1 for S94 Plans. Note S94 Plan No. 5 Open Space is not applicable as casual open space is provided on site and structured open space is covered by the VPA.

However the site only has one water connection and no sewer connection so in regards to S64 developer contributions Stage 1 will receive 1.2ET credit for water only.

The following conditions should replace previous conditions 98 and 99 to cover the applicable developer contributions:

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

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

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

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

### Stage 1

Water DSP3:	41.8 ET @ \$12575 per ET	\$525635
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Sewer Banora:	43 ET @ \$6042 per ET	\$259806
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### Stage 2

Water DSP3:	28 ET @ \$12575 per ET	\$352100
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Sewer Banora:	28 ET @ \$6042 per ET	\$169176
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### Stage 3

Water DSP3:	24 ET @ \$12575 per ET	\$301800
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Sewer Banora:	24 ET @ \$6042 per ET	\$145008
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### Stage 4

Water DSP3:	50 ET @ \$12575 per ET	\$628750
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Sewer Banora:	50 ET @ \$6042 per ET	\$302100
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### Stage 5

Water DSP3:	23 ET @ \$12575 per ET	\$289225
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Sewer Banora:	23 ET @ \$6042 per ET	\$138966
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### Stage 6

Water DSP3:	9 ET @ \$12575 per ET	\$113175
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Sewer Banora:	9 ET @ \$6042 per ET	\$54378
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### Stage 7

Water DSP3:	12 ET @ \$12575 per ET	\$150900
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Sewer Banora:	12 ET @ \$6042 per ET	\$72504
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### Stage 8

Water DSP3:	40 ET @ \$12575 per ET	\$503000
Sewer Banora:	40 ET @ \$6042 per ET	\$241680

### Stage 9

Water DSP3:	26 ET @ \$12575 per ET	\$326950
Sewer Banora:	26 ET @ \$6042 per ET	\$157092

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

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

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

[POC0675/PSC0165]

## 99. **Section 94 Contributions**

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

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

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

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

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

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.

### Stage 1

«Tweed Road Contribution Plan:

227.5 Trips @ \$2059 per Trips	\$468423
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(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

35 ET @ \$838 per ET \$29330

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

35 ET @ \$64 per ET \$2240

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

35 ET @ \$123 per ET \$4305

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

35 ET @ \$1389 per ET \$48615

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

35 ET @ \$1860.31 per ET \$65110.85

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

35 ET @ \$473 per ET \$16555

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

35 ET @ \$1091 per ET \$38185

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

35 ET @ \$3830 per ET \$134050

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 2**

«Tweed Road Contribution Plan:

182 Trips @ \$2059 per Trips \$374738

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

28 ET @ \$838 per ET \$23464

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

28 ET @ \$64 per ET \$1792

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

28 ET @ \$123 per ET \$3444

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

28 ET @ \$1389 per ET \$38892

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

28 ET @ \$1860.31 per ET \$52088.68

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

28 ET @ \$473 per ET \$13244

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

28 ET @ \$1091 per ET \$30548

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

28 ET @ \$3830 per ET \$107240

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 3**

«Tweed Road Contribution Plan:

156 Trips @ \$2059 per Trips  
 (\$1988 base rate + \$71 indexation) \$321204

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

24 ET @ \$838 per ET \$20112

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

24 ET @ \$64 per ET \$1536

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

24 ET @ \$123 per ET \$2952

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

24 ET @ \$1389 per ET \$33336

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

24 ET @ \$1860.31 per ET \$44647.44

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

## «Cycleways:

24 ET @ \$473 per ET \$11352

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

## «Regional Open Space (Casual)

24 ET @ \$1091 per ET \$26184

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

## «Regional Open Space (Structured):

24 ET @ \$3830 per ET \$91920

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 4**

## «Tweed Road Contribution Plan:

325 Trips @ \$2059 per Trips \$669175

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

## «Shirewide Library Facilities:

50 ET @ \$838 per ET \$41900

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

## «Bus Shelters:

50 ET @ \$64 per ET \$3200

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

50 ET @ \$123 per ET \$6150

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

50 ET @ \$1389 per ET \$69450

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

50 ET @ \$1860.31 per ET \$93015.5

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

50 ET @ \$473 per ET \$23650

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

50 ET @ \$1091 per ET \$54550

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

50 ET @ \$3830 per ET \$191500

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 5**

## «Tweed Road Contribution Plan:

149.5 Trips @ \$2059 per Trips \$307821

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

## «Shirewide Library Facilities:

23 ET @ \$838 per ET \$19274

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

## «Bus Shelters:

23 ET @ \$64 per ET \$1472

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

## «Eviron Cemetery:

23 ET @ \$123 per ET \$2829

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

## «Community Facilities (Tweed Coast - North)

23 ET @ \$1389 per ET \$31947

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

## «Extensions to Council Administration Offices

& Technical Support Facilities

23 ET @ \$1860.31 per ET \$42787.13

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

23 ET @ \$473 per ET \$10879

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

23 ET @ \$1091 per ET \$25093

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

23 ET @ \$3830 per ET \$88090

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 6**

«Tweed Road Contribution Plan:

58.5 Trips @ \$2059 per Trips \$120452

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

9 ET @ \$838 per ET \$7542

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

9 ET @ \$64 per ET \$576

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

9 ET @ \$123 per ET \$1107

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

9 ET @ \$1389 per ET \$12501

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

9 ET @ \$1860.31 per ET \$16742.79

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

9 ET @ \$473 per ET \$4257

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

9 ET @ \$1091 per ET \$9819

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

9 ET @ \$3830 per ET \$34470

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 7**

«Tweed Road Contribution Plan:

78 Trips @ \$2059 per Trips \$160602  
 (\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

12 ET @ \$838 per ET \$10056  
 (\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

12 ET @ \$64 per ET \$768  
 (\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

12 ET @ \$123 per ET \$1476  
 (\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

12 ET @ \$1389 per ET \$16668  
 (\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

12 ET @ \$1860.31 per ET \$22323.72

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

12 ET @ \$473 per ET \$5676

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

12 ET @ \$1091 per ET \$13092

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

12 ET @ \$3830 per ET \$45960

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 8**

«Tweed Road Contribution Plan:

260 Trips @ \$2059 per Trips \$535340

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

40 ET @ \$838 per ET \$33520

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

40 ET @ \$64 per ET \$2560

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

40 ET @ \$123 per ET \$4920

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

40 ET @ \$1389 per ET \$55560

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

40 ET @ \$1860.31 per ET \$74412.4

(\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

40 ET @ \$473 per ET \$18920

(\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

40 ET @ \$1091 per ET \$43640

(\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

40 ET @ \$3830 per ET \$153200

(\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**Stage 9**

«Tweed Road Contribution Plan:

169 Trips @ \$2059 per Trips \$347971

(\$1988 base rate + \$71 indexation)

S94 Plan No. 4

Sector5\_4

«Shirewide Library Facilities:

26 ET @ \$838 per ET \$21788

(\$792 base rate + \$46 indexation)

S94 Plan No. 11

«Bus Shelters:

26 ET @ \$64 per ET \$1664

(\$60 base rate + \$4 indexation)

S94 Plan No. 12

«Eviron Cemetery:

26 ET @ \$123 per ET \$3198

(\$101 base rate + \$22 indexation)

S94 Plan No. 13

«Community Facilities (Tweed Coast - North)

26 ET @ \$1389 per ET \$36114

(\$1305.6 base rate + \$83.4 indexation)

S94 Plan No. 15

«Extensions to Council Administration Offices

& Technical Support Facilities

26 ET @ \$1860.31 per ET \$48368.06  
 (\$1759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

«Cycleways:

26 ET @ \$473 per ET \$12298  
 (\$447 base rate + \$26 indexation)

S94 Plan No. 22

«Regional Open Space (Casual)

26 ET @ \$1091 per ET \$28366  
 (\$1031 base rate + \$60 indexation)

S94 Plan No. 26

«Regional Open Space (Structured):

26 ET @ \$3830 per ET \$99580  
 (\$3619 base rate + \$211 indexation)

S94 Plan No. 26

**The amended application has failed to address the following matters:**

Vegetation Management Plan

Council's review of the PPR raised a number of issues relating to the implementation and monitoring of the Revised Vegetation Management & Rehabilitation Plan (JWA April 2013). No revised Vegetation Management & Rehabilitation Plan has been submitted with the PPR addendum, thus Council's previous comments and recommended conditions apply.

Removal of dams and associated native vegetation

Cut-Fill Plans at Annexure C of the Addendum to PPR indicate that removal of dams and associated native vegetation (including Lowland Rainforest Endangered Ecological Community) is still proposed within proposed Lot 610 Drainage Reserve and Lot 451 Public Reserve. Council previously raised concern that adequate justification was not provided for the removal of these landscape features.



It was also acknowledged however, that conflict within the DCP-B24 itself likely contributed to the landforming requirements of the proposed layout. Council's previous comments also raised OEH's recommendation of a 1:10 offset ratio for the loss of Lowland Rainforest EEC should the proposed layout be approved. Council's concern was that this ratio had not been met, and that there was not enough land area on the subject site to accommodate such offsets. No further information has been provided in this regard, thus Council's concern remains.

### Electricity Easement

As stated in Council's previous comments, the extinguishment of the easement for electricity services on DP 642269 in favour of their location along the Broadwater Parkway is supported if appropriate space is available. The removal of this easement would create greater certainty for the successful rehabilitation of restoration areas adjacent to the SEPP 14 wetland on the northern boundary of the subject site. It is noted however that this is a matter for resolution between the proponent and Essential Energy.

### Biting Insect Management Plan

Council previously raised concern regarding the adequacy of the Biting Insect Management Plan and recommended that the Plan be revised in consultation with Council, including provision of a commitment to management until such time as lands are under the control of Council. No revised Biting Insect Management Plan has been submitted with the addendum to the PPR, thus Council's previous comments and recommended conditions apply.

### Waste Management

The addendum PPR has not been supported by a letter from Solo Waste confirming that the site is capable of being serviced in an adequate manner. This is considered important given the grades associated with the site.

For further information regarding this matter please contact Council's Coordinator Development Assessment Ms Denise Galle on (02) 6670 2459.

Yours faithfully



**Vince Connell**  
**DIRECTOR PLANNING AND REGULATION**