

Council Reference: DA09/0527  
Your Reference: MP05\_0198 MOD 4



17 August 2018

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Please address all communications  
to the General Manager

ABN: 90 178 732 496

Dear Sir,

**Bilambil Heights Major Project Approval (MP05\_0198 MOD 4) - Walmsley Road and Stott Street BILAMBIL HEIGHTS**

Thank you for the opportunity to respond to the latest modification lodged by DAC Planning Pty Ltd.

It is understood that the proposed modification relates to the Bushfire Management and required Asset Protection Zones associated with the proposed subdivision. In particular, the proposed amendments to Condition B24 (Asset Protection Zones) and Condition E7 appear to be sought in an effort to resolve the endorsement and certification for the required APZ which was originally deferred to NSW Rural Fire Service.

Council officers have reviewed the information provided in the submitted modification report (prepared by DAC Planning Pty Ltd, referenced DIC 15/71 dated July 2018) having regard to the existing consent conditions, approved documentation referenced throughout the consent together with the Vegetation Management Plan (Final Report) prepared by Biolink Ecological Consultants dated October 2017 referred to Tweed Shire Council but not endorsed due to outstanding information.

It is noted that Council officers attended a site meeting on 25 July 2018 with Biolink Ecological Consultants and the land owner to discuss the outstanding requests from Council to update the Vegetation Management Plan. Of particular relevance to the subject modification application, it was identified at that site meeting that the required Environmental Management Area (EMA) (in accordance with the approved subdivision plan) and the impact of Asset Protection Zones (APZ's) on the nominated EMA are in conflict with each other. As such, possible options to maintain and protect vegetation whilst established required APZ's on the future lots were discussed between relevant parties.

Based on the information submitted, it would appear that the proposed modification fails to address the broader scope of the issues at hand, and concerns are raised over the required APZ's and approved Environmental Management Areas (EMA's) resulting in future lots of land failing to contain a sufficient area to accommodate a dwelling. In this regard, the required EMA and APZ's on approved lots 38, 39 and 40 appear to be the most affected.

Therefore, it is recommended that prior to consenting to the proposed modification, the following information be submitted to NSW DP&E to ensure that the proposed amendments to conditions can be complied with:

- A Bushfire Threat Assessment Report (prepared by a BPAD Certified Practitioner) be submitted taking into account each of the approved lots and associated restrictions imposed in the development consent in terms of asset protection zone location, future use and commitment to vegetation management as prescribed in the relevant reports that supported the application and referenced in the conditions of consent.
- Based on the Bushfire Threat Assessment Report and subsequent Lot evaluation a determination should be made as to whether modification to the lot layout may be necessary to achieve a development pattern that does not result in any additional impact on ecological values than that contemplated during previous subdivision assessment nor compromise commitments to habitat restoration as approved.

In regard to the proposed modification to Condition E7, Council has not been provided with a copy of the Asset Protection Zone Management Plan prepared by Biolink Ecological Consultants (2017) however upon review of the copy submitted to the NSW Department of Planning & Environment (NSW DP&E), Council does not support the plan in its current form and therefore objects to the reference of the plan in an amended condition as proposed by the applicant.

As mentioned previously, the information contained in this plan appears to be in conflict and inconsistent with the conditions of consent and relevant documentation submitted and approved by the NSW DP&E. The fundamental concerns with the plan include but are not limited to:




- Asset Protection Zones (APZ's) are proposed to extend beyond the EMA meets and bounds as shown on the approved subdivision plans. However, the restriction to the EMA is enforced in Condition B24 (1);
- Sections of the proposed APZ extend onto adjacent private land that did not form part of the subject application (to the east and west of the subject site);
- Proposed APZ's compromise expected habitat restoration works, noting that commitment to such works and sensitive treatment within the prescribed EMA was to be provided in lieu of allowing for adequate buffers between habitat and development Lots and;
- The plan lacks certainty for the long term protection of threatened flora species occurring within the proposed APZ, deferring assessment to a subsequent development stage following Lot creation.

Therefore, having regard to the above anomalies with the Asset Protection Zone Management Plan prepared by Biolink Ecological Consultants (2017) and Council's recommendations to request the applicant to provide a Bushfire Threat Assessment Report (prepared by a suitably qualified BPAD Certified Practitioner), it is envisaged that any current conflicts between the requirements to maintain and protect vegetation within EMA's and establish APZ's could be resolved as part of the current modification application.

Should you have any questions regarding this matter please contact Councils Development Assessment Planner Hannah Van de Werff on (02) 6670 2756.

Yours faithfully,  
Per.

Aug 17 2018 4:01 PM

X    
Hannah Van de Werff 

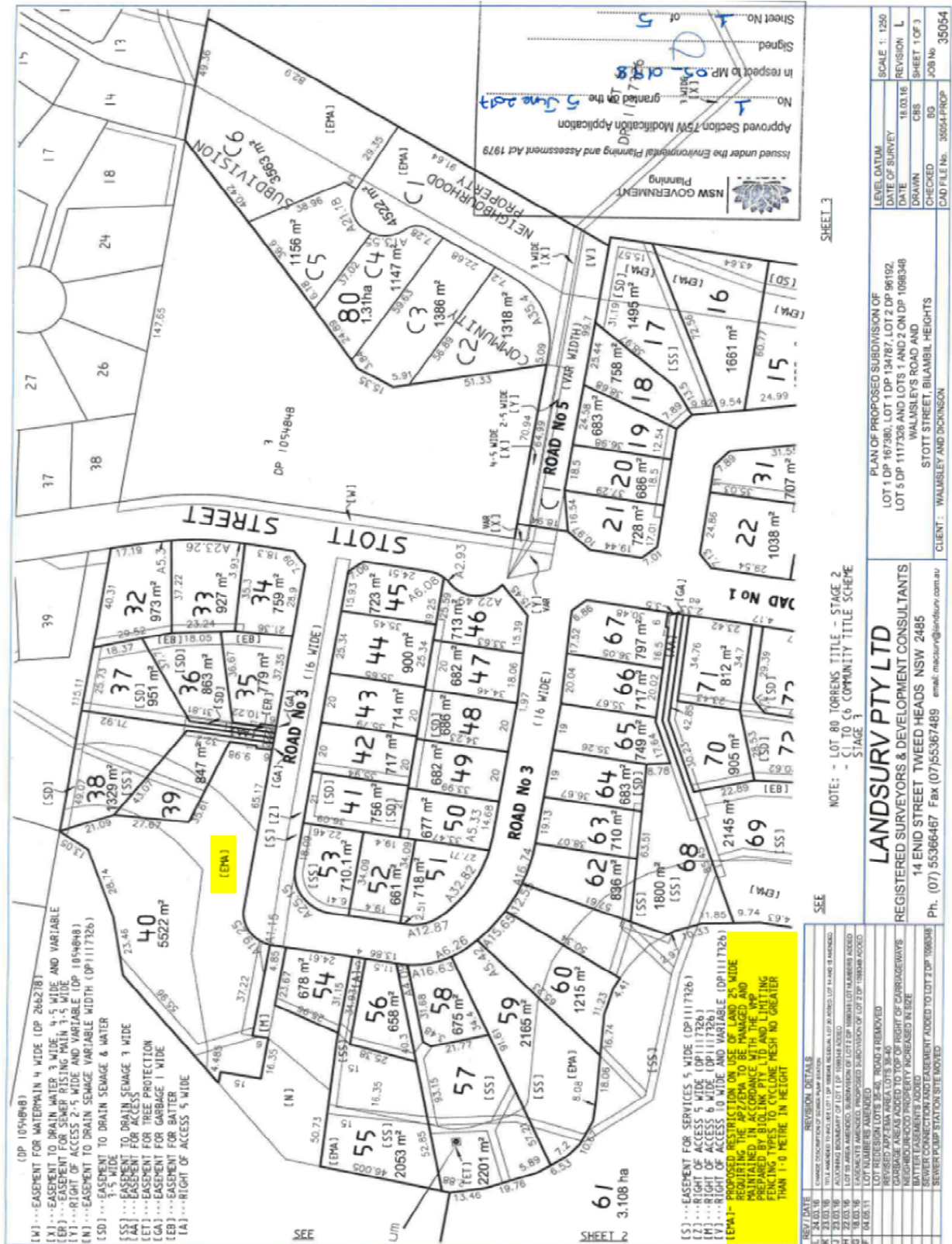
**Denise Galle**  
Team Leader - Development Assessment

**Attachments:**

**Attachment A:** Extract of Approved Plan of Subdivision (Sheet 1 of 3 Job NO 35054 Dated 18.03.2016 prepared by Landsurv Pty Ltd) highlighted areas denotes affected lots where EMA layer has been applied on the stamped approved plan.

**Attachment B:** Extract of Subdivision Plan showing APZ and EMA dated 21 August 2017 sourced from Asset Protection Zone Management Plan (Prepared by Biolink Ecological Consultants dated October 2017).

This plan demonstrates the extent of EMA and APZ encroaching onto the adjoining land.



**Attachment B** - Extract of Subdivision Plan showing APZ and EMA with Council comments

**Figure 1: APZs on Major Project Site**

