

MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD

FRIDAY 17 JANUARY 2003

3. APPOINTMENT:

Addressed By: Darryl Anderson, Basil McLauchlan & Peter Walmsley

Postal Address: C/- Darryl Anderson Consulting

Present: Messrs Garry Smith, Manager Development Assessment; Warren Boyd, Acting Manager Design; Ross Cameron, Acting Manager Building Services and Linda Krausz (recorder)

Property

Description: Lot 1 DP 167380, Lot 2 DP 961928 & Lot 1 DP 134787 Walmsleys Road, Bilambil Heights

Land No: PF2480/45

Proposal: 50 lot subdivision – details of this proposal have been previously discussed with Manager Development Assessment and the purpose of this meeting was to clarify Council's resolution of 17 May 2000.

Comments:

- The land is zoned part 2(c) Urban Expansion and part 7(d) Environmental Protection (Scenic Escarpment) under Tweed LEP 2000. Residential subdivision is entirely within the 2(c) zone and is permissible with consent.
- Council, at a meeting held on 17 May 2002 resolved as follows in relation to the Bilambil Heights area:

- *Amends Clause 114 of the Tweed Shire 2000+ Strategic Plan, to read as follows: "Long Term Urban Release - The Bilambil Heights Release Area has major infrastructure impediments and requires a comprehensive multi-ownership planning approach. If after three years no commitment has been given by landowners for infrastructure at Bilambil Heights, then Area 'E' at Terranora should be considered for release subject to other Strategic Plan requirements. No development approvals for the release of land for residential development will be granted until such time as the Tugun Bypass and Cobaki Parkway are commenced to provide appropriate access to the regional road network".*
- *In accordance with Section 54 of the Environmental Planning and Assessment Act inform the Regional Director, Department of Urban Affairs and Planning, that Council intends to prepare a draft LEP to amend the Tweed LEP 2000 to require that no development approval for the release of land for residential development at Bilambil Heights can be granted by Council until the Tugun Bypass and Cobaki Pathway are commenced to provide appropriate access to the regional road network, and that in Council's opinion a Local Environmental Study is not required.*

The Strategic Plan has not yet been formally amended in accordance with Dot Point 1. Notwithstanding this, a formal application for this subdivision will need to demonstrate why this site is not constrained by this resolution.

MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD

FRIDAY 17 JANUARY 2003

In relation to Dot Point 2, Planning NSW have been advised of this resolution, however no further action has been taken to progress this amendment.

- o Because of the amendment to the Development Consent for the Terranora Resort project, spare capacity exists for Cobaki Bridge/Kennedy Drive at this point in time that would enable this proposal to proceed.

Conclusion:

It is open to the applicant to lodge a development application and any such application would be considered on its merits having particular regard to the above issues. The comments provided above are to assist the proponent in preparing a development application. No detailed assessment has been carried out and all issues may not have been identified. Therefore, the above advice does not provide certainty of approval being obtained.

NOTE: THESE ARE DRAFT MINUTES ONLY AND ARE SUBJECT TO CONFIRMATION. IF ANY SUBSTANTIAL CHANGES ARE MADE COPIES OF THE ADOPTED MINUTES WILL BE FORWARDED WITH CHANGES HIGHLIGHTED IN ITALICS

Meeting Notes – Planning Focus Meeting
Tweed Heads Civic Centre
11 May 2004
Proposed 80 Lot Subdivision and Master Plan under SEPP 71,
Walmsleys Road and Stott Street, Bilambil Heights

Present:	John Finlay	Department of Infrastructure, Planning and Natural Resources
	Graham Budd	Department of Environment and Conservation
	Brett Nudd	Department of Environment and Conservation
	Rik Whitehead	Department of Agriculture
	Basil McLaughlin	McLaughlin Surveying
	Barry Green	McLaughlin Surveying
	Keith Black	McLaughlin Surveying
	Jodi Earwaker	Blueland Engineers
	Martin Findlater	Blueland Engineers
	Peter Walmsley	Land Owner
	Jim Dickinson	Land Owner
	Garry Smith	Tweed Shire Council
	Patrick Knight	Tweed Shire Council

Apologies:	Tim Rabbidge	Department of Infrastructure, Planning and Natural Resources
	Richard Dunning	Department of Lands
	Patrick Dwyer	NSW Fisheries
	Carl Cormack	NSW Waterways Authority
	Julie Conlon	Natural Resources Commission
	Lawrence McCoy	Rural Fire Service
	John Allen	Department of Environment and Conservation

Following an inspection of the development site the following comments by the various state agencies were provided:

Brett Nudd and Graham Budd – Department of Environment and Conservation

- # Parts of the site are steep and stormwater management will be a key issue. The zone of instability adjacent to the former dam site which has now been filled may be a constraint on infiltration.
- # Rainwater tanks and water sensitive design principles should be implemented.
- # Downstream water quality will be a critical issue.
- # The habitat values of the site and how any remnant stands or individual species will be retained and/or managed should be addressed (see attached general comments provided by Department of Environment and Conservation relating to threatened species issues in particular).
- # Contamination Report will be required.
- # A sewer strategy will also be required particularly addressing available capacity at the Banora Point Sewerage Treatment Works.
- # Graham raised concerns about treating stormwater off site.

Rik Whitehead – Department of Agriculture

- # A land use history should be provided including a description and any old aerial photographs available such as the one obtained by Peter Walmsley.
- # Present land uses within a one kilometre radius of the site and the implications of existing passionfruit plantation on part of the land will need to be addressed.

- # Relationship with adjoining zonings will need to be addressed.
- # Management of the large residue lot zoned 7(d) needs to be addressed ie. values, land use.

Gary Smith – Tweed Shire Council

- # The Tweed 2000+ Strategic Plan particularly Clause 114 (as amended) relating to further residential development within the Bilambil Heights release area will need to be addressed.
- # Kennedy Drive capacity remaining at 11 May 2004 has been determined by Council at 568.2 vehicle trips which equates to approximately 87 lots. Capacity is only allocated to a project when development consent is granted. This issue will need to be addressed in any development application and/or Master Plan.
- # The LEP Amendment to preclude further releases referred to in the amended Clause 114 has not been implemented to date and will probably not proceed.
- # Geotechnical investigations and a report required.
- # A Bushfire Hazard Assessment will be required in accordance with the publication Planning for Bushfire Protection.
- # A Scenic Impact Assessment will be required.
- # A Flora and Fauna Assessment addressing the matters for consideration in Sections 5A and 5C of the Environmental Planning and Assessment Act will be required.
- # Specific of clauses of the LEP to be addressed include: 15, 17, 26, 39, 39A.
- # Development Control Plans to be addressed include: Development Control Plan No. 16 – Subdivision Manual, Development Control Plan No. 39 – Energy Efficient Housing, Development Control Plan No. 45 – Socio Economic Impact Statement (note a Socio-Economic Impact Statement will need to accompany the application), Development Control Plan No. 44 – Dual Occupancy, Development Control Plan No. 47 – Cut and Fill on Residential Land.

Pat Knight – Tweed Shire Council

- # Development Control Plan No. 16 and State Environmental Planning Policy No. 71 both require Master Plans. John Finlay considers that State Environmental Planning Policy No. 71 would prevail but relevant provisions of Development Control Plan No. 16 would need to be addressed in any State Environmental Planning Policy No. 71 Master Plan.
- # Need to integrate pedestrian/cycleway networks into the subdivision design and address public transport issues.
- # Stormwater quality and quantity criteria – rainwater tanks may be needed to provide retention. Pat also advised that the State Government's BASIX Policy will apply after June 2005. The policy requires sustainability principles to be addressed as a scorecard at the lot creation stage.
- # A visual assessment is required under Development Control Plan No. 16.
- # Open space stands in Development Control Plan No. 16 need to be addressed and any inconsistencies justified on their merits.
- # Connectivity to vegetation areas needs to be considered.
- # Some concern with Community Title area – stability and stormwater discharges from the Aged Care Centre.
- # The lawful point of discharge to natural watercourses or easements across intervening land will need to be addressed.

- # Development Control Plan No. 16 contains recommended buffers to adjacent conflicting uses.
- # A Traffic Assessment is required together with compliance with the Development Control Plan No. 16 infrastructure requirements.
- # Active Open Space contributions may be acceptable in lieu of on site dedication however no Section 94 Contribution Plan is currently in force.
- # Peter Walmsley requested that Council ensure that the future trunk water main routes follow the proposed roads.
- # Pat Knight raised questions of staging and preference to connect roads (Stott Street and Walmsleys Road) initially.
- # Pat also requires 2(c) land to the south to be included in the Master Plan and adjoining land generally.
- # Master plan should address management of environmental protection zones generally.

John Finlay – Department of Infrastructure, Planning and Natural Resources

- # John advised that asset protection zones and environmental buffers should be separate.
- # John considers that the 2(c) zoned land east of the development site which is to be retained by Mr Dick Roberts should be included in the Master Plan. This land appears to have limited development potential because of its constraints and therefore the purchasers are reluctant to include it in the Master Plan. Pat Knight considers that a desktop assessment over this area would be OK as it is a discrete parcel of land separated by a parcel zoned 7(d).
- # Questions were raised in relation to the residue lot to the east and whether or not it would have frontage to a public road and also legal and practical access. Pat knight considers that it is desirable under Development Control Plan No. 16 that each lot have frontage to a public road but not mandatory and a right of carriageway way be acceptable. Darryl Anderson proposed that a desktop assessment of the eastern area be carried out as part of the Master Plan to identify options and issues, particularly access, based on contours, Flora and Fauna Assessment, Bushfire Hazards and other key constraints.
- # John Finlay suggested that a desktop analysis could be provided and then formally consult Department of Infrastructure, Planning and Natural Resources as to whether we need to do more detailed work over this area.

It was agreed that these meeting notes will be provided to Pradesh Ramiah in Urban Assessments with a view to resolving the issues in relation to the eastern area and other relevant matters when Ramesh or his staff visit the Tweed area and inspect the site in the near future.

General written comments were provided by Patrick Dwyer of NSW Fisheries, Carl Cormack of NSW Waterways Authority and Lawrence McCoy of the Rural Fire Service and those comments will be taken into account in preparing the draft Master Plan and development application.

Darryl Anderson Consulting

From: Pradesh Ramiah [Pradesh.Ramiah@dipnr.nsw.gov.au]
Sent: Tuesday, 20 July 2004 5:28 PM
To: admin@daconsulting.com.au
Subject: Re: FW: Proposed 80 Lot Subdivision and Master Plan under SEPP 71 - Walmsleys Road & Stott Street, Bilam

Hello Darryl,

I've reviewed the meeting notes and the aerial photos and my notes of the site visit and offer the following comments.

With regard to the eastern portion of land as I understand that land is not yet in your client's ownership. An application for a master plan must include owners consent.

from the preliminary analysis undertaken, the main issue for me is the proposal to place residential development on steep slopes. At a master plan stage it is difficult to detail the proposed development that is likely to proceed as a consequence of the subdivision. It would be prudent that in your master plan if you clearly articulate how you want to deal with residential development on steep slopes (ie expectations about cutting and filling, designating building envelopes etc) and what are the expected development/housing types you would expect to follow. It is important that land forming works be kept to a minimum and the proposed development responds to the natural topography

I'm little perturbed by the number of cul de sacs and battle axe blocks proposed. I don't have any strong objection as I understand the reasons why (ie steep slopes). However, your master plan will need to demonstrate that this layout is sensitive to the site's topography (and not just because it maximises lot yield) and provides for a good urban design outcome. I suggest that you examine the road layout to improve permeability, where it is possible. Your arguments will need to be convincing.

I've had a look at the minute notes and don't have any further comments to offer. I am sorry for the delay.

cheers

>>> "Darryl Anderson Consulting" <admin@daconsulting.com.au> 07/19/04 09:59am >>>
Pradesh

Could you please urgently advise of any comments or requirements you may have.

Regards Darryl

-----Original Message-----

From: Darryl Anderson Consulting [mailto:admin@daconsulting.com.au]
Sent: Tuesday, 22 June 2004 1:00 PM
To: Pradesh Ramiah
Cc: jimdicko@blgpond.com; Peter Walmsley
Subject: Proposed 80 Lot Subdivision and Master Plan under SEPP 71 - Walmsleys Road & Stott Street, Bilambil Heights

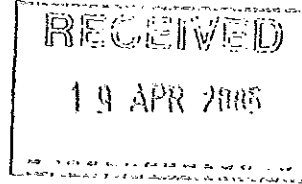
Pradesh

Darryl Anderson Consulting Pty Ltd
Suite 7, 8 Corporation Circuit
Tweed Heads South NSW 2486

Ph: 07 55 233 611
Fax: 07 55 233 612
Email: admin@daconsulting.com.au



Your reference: DIC 04/39 and MCL 02/01
14 April 2005



Darryl Anderson Consulting Pty Ltd
Suite 7 Corporate House
8 Corporation Circuit
TWEED HEADS SOUTH NSW 2486

Attention: Darryl Anderson

Dear Sir

RE: PROPOSED MASTER PLAN & RESIDENTIAL SUBDIVISION OF LOT 1 DP 16738, LOT 1 DP 134787 & LOT 4 DP 1054848 WALMSLEY ROAD & STOTT STREET, BILAMBLE HEIGHTS

I refer to your letter date 5 April 2005 regarding the rezoning submission of existing rural lots to proposed residential lots.

The following comments from Telstra Corporation Limited (Telstra) may assist you with your Rezoning Submission:

- The developer will need to contact 'Dial Before You Dig' before commencing design and construction to determine if any Telstra cables are in the vicinity of the development; and
- Telstra will provide standard service to the development as required under its Universal Service Obligations.

Please contact [insert details] if you require further clarification of the above or have any questions.

Yours faithfully

A Freestone
Area Planner
Telstra Corporation Limited

7 April 2005

The Manager
Darryl Anderson Consulting Pty Ltd
Suite 7
Corporate House
8 Corporation Circuit
TWEED HEADS SOUTH NSW 2486



Dear Sir

PROPOSED MASTER PLAN AND RESIDENTIAL SUBDIVISION, WALMSLEYS ROAD AND STOTT STREET, BILAMBIL HEIGHTS

I refer to your letter of 7 February 2005, reference DIC 04/39 and MCL 02/01 regarding the proposed Master Plan and Residential Subdivision of Lot 1, DP 167380, Lot 1, DP 134787 and Lot 4, DP 1054848, Walmsleys Road and Stott Street, Bilambil Heights.

Country Energy advises that there are no objections to the proposed development.

It is envisaged that the proposed development will be serviced from the existing 11 kV infrastructure in the area.

If any existing overhead or underground network asset requires relocation as a result of the development, then the cost of the relocation shall be carried by the developer.

Country Energy will require suitable notification of the timing of the work associated with the development so that if any upgrade works are required on other parts of the network they can be carried out prior to the development being connected.

Yours sincerely



Warren Jackson
**Manager Planning &
Customer Connections Far North Coast**



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

Now Incorporating Department of Mineral Resources
ABN 51 734 124 190-003

Mr Darryl Anderson,
Darryl Anderson & Associates,
Suite 7,
Corporate House,
8 Corporation Circuit,
TWEED HEADS NSW 2484.

OUR REF: L05/1968
YOUR REF: DIC 04/39 and MCL 02/01.

7th April 2005

Dear Mr Anderson,

Proposed Master Plan
Walmsleys Road & Stott Street, Bilambil Heights

Thank you for your letter of 11th February, 2005.

The Mineral Resources Division of the Department of Primary Industries has no interest in the subject land.

Should you have any further inquiries, please do not hesitate to contact Mr Jeff Brownlow in the Department's Armidale Office (Tel 02 6776 0313).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C. Ricketts'.

**C. Ricketts,
Team Leader,
Land Use**

Geological Survey
PO Box 65
176 Rusden St
Armidale

www.minerals.nsw.gov.au
Tel: 02 6776 0313
Fax: 02 6776 0399

Darryl Anderson Consulting

From: rik.whitehead@dpi.nsw.gov.au
Sent: Wednesday, 1 August 2007 4:37 PM
To: admin@daconsulting.com.au
Cc: patrick.dwyer@dpi.nsw.gov.au
Subject: Major Project 05/0198 - Bilambil Heights

Darryl

I refer to your letter of 3 July 2007 (Your Ref: DIC 04/39 MCL 02/01) indicating that you are in a position to resubmit the application for a 85 lot subdivision at Walmsleys Road and Stott Street Bilambil Heights and that you are seeking to confirm the views of agencies in order to finalise the Environmental Assessment Report.

I advise that there are no additional agricultural issues and there are no mineral issues.

Fisheries issues are being confirmed. It is possible that there may be aquaculture and SEPP 62 issues. NSW DPI will confirm as soon as possible.

Please contact Pat Dwyer on (02) 6626 1397 for further information on fisheries issues.

Thank you.

Rik Whitehead
Resource Management Officer
NSW Department of Primary Industries
Wollongbar Agricultural Institute
1243 Bruxner Highway
WOLLONGBAR NSW 2477

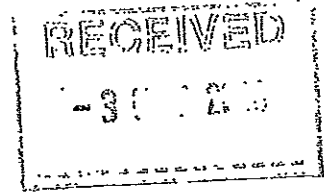
tel. (02) 6626 1349
fax.(02) 6628 1744
mob. 042 720 1835
email: rik.whitehead@dpi.nsw.gov.au

This message is intended for the addressee named and may contain confidential information. If you a



NSW Government

DEPARTMENT OF NATURAL RESOURCES



Contact: Tim Rabbidge
Phone: (02) 66 270 115
Fax: (02) 66 270 166
Email: tim.rabbidge@dipnr.nsw.gov.au

Our ref: Inq 164 - Tweed
Your ref: DIC 04/39 & MCL 02/01

Mr Darryl Anderson
Director
Darryl Anderson Consulting Pty Ltd
Suite 7, Corporate House
8 Corporation Circuit
TWEED HEADS SOUTH NSW 2486

31 October 2006

Dear Darryl

Re: **Proposed residential subdivision at Lot 1 DP 134787, Lot 2 DP 961928 and part Lot 4 DP 1054848, Walmsleys Road and Stott Street, Bilambil Heights**

I refer to your correspondence dated 28 September 2006 regarding the preparation of a major project application (and environmental assessment) for a proposed 85 lot residential development at Bilambil Heights. The Department of Natural Resources (DNR) has reviewed the supplied information and offers the following initial comments.

Tweed Wetland Mapping

From the provided information it would seem that development is not proposed within the most easterly section of Lot 4 DP 1054848. DNR would strongly support this approach given the identification of the site as a Coastal Floodplain Swamp in the Tweed Wetland Mapping and as a highly constrained Wet Landscape in the Far North Coast Strategy data mapping exercise.

DNR also supports the protection of the vegetation therein and recommends that the adjacent ecotonal vegetation be conserved. Details of the management of the wetland and buffer areas should be detailed in the application.

Vegetation Management

The Department notes that much of the development site is bounded by land zoned 7(d) Environmental Protection (Scenic/Escarpment). The application documentation should detail how the vegetation values within this zone will be protected with an emphasis on the how the urban interface issues such as fire, weeds, animals etc will be addressed. The provision of a 50 metre buffer to this vegetation is also supported and detail on the future management of these areas should be provided. The dedication of these areas as public open space should be explored with Council.

Should it be proposed to establish any recreational facilities in this area, DNR recommends that any future application incorporate a management plan, that has been prepared in accordance with Council's requirements, which identifies opportunities for environmental repair and enhancement.

Drainage

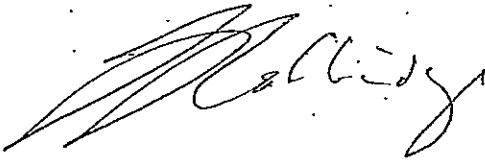
It is noted that a number of drainage lines are present within the development site. The Department recommends the development of a project layout that ensures the retention of natural drainage patterns.

Other

The future road layout would seem to potentially involve an extension to Warra Place. Justification of the necessity of this together with sufficient detail to assess the impact of such construction through the 7(d) zone should be provided.

For further information regarding this matter please contact Mr Tim Rabbidge on (02) 66270115 in the first instance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Rabbidge', written in a cursive style.

Tim Rabbidge
Natural Resource Planning
North Coast Region



NSW GOVERNMENT
Department of Planning

21 12 2006

Contact: Ray Lawlor
Phone: 02 9228 6216
Fax: 02 9228 6540
E-mail: ray.lawlor@planning.nsw.gov.au

Our ref: MP 05_0198
Your ref: DIC 04/39 & MCL 02/01
File: 9041362

Mr D Anderson
Suite 7, Corporation House
8 Corporation Circuit
Tweed Heads South NSW 2486

Dear Mr Anderson

**Re: 85 lot residential subdivision, Walmsleys Road and Stott Street,
Bilambil Heights - MP05-0198**

I refer to your lodgement on 1 December 2006 of a draft Environmental Assessment for the above Project.


Section 75H of the *Environmental Planning and Assessment Act 1979* (the Act) states that, before any public exhibition can commence, the Director-General is to consider whether the Environmental Assessment adequately addresses the Director-General's Environmental Assessment Requirements.

On consideration, the draft Environmental Assessment does not adequately address the Director-General Environmental Assessment Requirements issued on 15 August 2006 and, therefore, fails to comply with Section 75H of the Act. In accordance with Section 75H (2) of the Act and Clause 8D of the *Environmental Planning and Assessment Regulation 2000* (the Regulations), this letter is a formal notice advising you to submit supplementary information to that already provided in the Environmental Assessment and a revised Statement of Commitments. These submissions must respond to those measures detailed in the Schedule attached with this letter. In accordance with Clause 8D (3) of the Regulations, you should submit the above within 21 days of this letter. If you fail to do so, your application may be rejected.

While a detailed assessment of the proposal has not been undertaken, an important issue to be resolved will be limitations on the traffic capacity of Kennedy Drive at the Cobaki Bridge and completion of alternative access through the Cobaki Parkway and Tugun Bypass (as referred to in issue No 9 in the Director General's Requirements). The Environmental Assessment report indicates that construction of the Cobaki Parkway has commenced and is likely to proceed to completion by 2008. However, Council has recently advised that while bulk earthworks have commenced related to proposed subdivision at Cobaki there has been no construction certificate submitted or issued for the Cobaki Parkway. There are also issues related to construction of an overpass of the Tugun Bypass (at Boyd Street), connecting with Cobaki Parkway.

Should you have any further inquiries about this matter, please contact Ray Lawlor, in Urban and Coastal Assessments, on 9228 6216 or at ray.lawlor@planning.nsw.gov.au.

Yours sincerely,



Heather Warton
Director
Urban & Coastal Assessments

1812-06



File No. 438,5351 N00726 07/1526
Reference. DIC 04/39 MCL 02/01
Leisa Sedger

20 SEP 2007

Darryl Anderson Consulting Pty Ltd
Suite 7, Corporate House
8 Corporate Circuit
TWEED HEADS SOUTH NSW 2486

Tweed Shire Council. Proposed 85 Lot Residential Subdivision.
Walmsleys Road and Stott Street, Bilambil Heights.

Dear Sir

Reference is made to your letter dated 3 July 2007 regarding the above development application.

Walmsleys Road is an unclassified road under the care and control of Tweed Shire Council and you should talk to them in the first instance.

In accordance with SEPP11 the proposed Residential Subdivision is classed as a Schedule 2 development and will required consideration in due course by the Council Development Committee.

If Council has any further enquiries please contact Mrs Leisa Sedger on 6640 1362 or email land_use_northern@rta.nsw.gov.au.

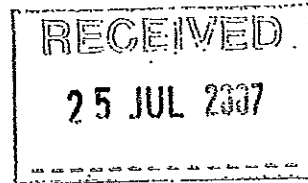
Yours faithfully

19 SEP 2007

David Bell
Regional Manager, Northern Region



Your reference : DIC 04/39 MCL 02/01
Our reference : GR119/36 DOC07/26729
Contact : Krister Waern, 66402503



Darryl Anderson Consulting
Suite 7 Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

CC: Heather Warton
Director, Urban & Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

23 JUL 2007

Dear Mr Anderson

RE: Major Project Application No.05/0198 – Proposed 85 Lot Residential Subdivision, Bilambil Heights.

I refer to your letter dated 3 July 2007 requesting comments from the Department of Environment and Climate Change (DECC) on the above matter.

The DECC originally responded to the Department of Planning regarding this matter on 17 July 2006. A copy of this letter is attached for your information. The DECC does not need to amend aspects of the key information requirements raised in that correspondence.

Should there be any other matters, please contact Krister Waern on (02) 6640 2503.

Yours sincerely

A handwritten signature in black ink that reads "Jon Keats".

JON KEATS
Head Industry and Waste Unit North Coast
Climate Change and Environment Protection

ATTACHMENT – SCHEDULE 1

INADEQUACY OF DRAFT ENVIRONMENTAL ASSESSMENT

The draft Environmental Assessment, for proposed 85 lots residential subdivision at Walmsleys Road and Stott Street, Bilambil Heights, prepared by Darryl Anderson Consulting Pty Ltd, dated November 2006, **does not** adequately address the following requirements of the Director-General's Environmental Assessment Requirements issued on 15 August 2006:

1. Description of the proposal

The description of the proposal refers to and relies on details contained within Annexures to the main report without specifying where these details are located. All details of the proposal should be clearly indicated in the body of the EA report, including details related to the proposed community title component of the proposal.

2. Description of the site

The site boundaries should be indicated on Figure 1. Also the full extent of the eastern portion of the site should be shown.

3. Consideration of any relevant statutory and non-statutory provisions

All relevant provisions should be considered including the following:

- Tweed LEP 2000 – the overall aims of the LEP, and provisions in clauses 20, 26, 44 and 45.
- All relevant provisions of Council's DCP 16 Subdivision Manual and in particular provisions within section 4.2.

Other matters in section 7.0 of the report need to be reviewed and include the following:

- Section 7.2 addresses section 91 of the EP & A Act and integrated development provisions of Part 4 of the Act, which are not relevant to a major project application under Part 3A.
- Section 7.13 refers to Tweed 2000+ Strategic Plan and Tweed Strategic Plan 4/24, but only discusses clause 114 of the 2000+ Strategic Plan and not other relevant provisions such as clause 120 'Bilambil Heights'. Also there is no discussion of Tweed 4/24.
- Section 7.17 lists relevant section 94 Plans and section 64 contributions but does not discuss what these contributions are.

4. Draft statement of commitments

The draft commitments refer to provisions and recommendations within Annexures L and M, but do not specify these provisions and recommendations. They should be listed within the relevant draft commitments.

5. 1.3 – Address consistency with the character of existing development in terms of the locality, street frontage, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency.

These matters are generally dealt with in Annexure V however built form controls and aesthetics are not specifically addressed. Also energy, water efficiency and safety are inadequately addressed being deferred to later housing designs. These matters should be specifically addressed.

6. **1.5 – Address appropriate subdivision layout/s (including the appropriateness of battle-axe blocks taking account of steep land (20%) and the need for vegetation clearing.**

The need for vegetation clearing should be addressed.

7. **2.1 - Submit a Water Cycle Management Plan which demonstrates the means and adequacy of managing stormwater within the site, in particular detailing measures to show that the quality and quantity of stormwater from developed site will not adversely affect the down stream receiving environment (Cobaki and Terranora Broadwaters and SEPP 14 Coastal Wetland to the north of the development) and the existing stormwater drainage patterns/regime.**

Measures related to Terranora Broadwater and SEPP 14 wetlands to the north of the development should be addressed.

8. **4.1 – Address any impacts on European and Aboriginal heritage, if relevant**

The EA does not provide a preliminary assessment of the Aboriginal cultural values of the property. The EA indicates that no formal archaeological assessment has been carried out. A preliminary Aboriginal heritage assessment is required and you should refer to the draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation prepared by Department of Environment and Conservation.

9. **10.1 – Demonstrate the proposal will be designed, constructed, operated and maintained so that there are no adverse impacts form noise (including traffic noise) on amenity in the locality.**

An acoustic assessment or statement should be provided from a suitably qualified professional.

10. Consultation

An appropriate and justified level of agency consultation has not been undertaken.

Documented consultation for the following agencies is from 2003 or 2004 prior to preparation of the EA and prior to issue of Director General's requirements.

- Department of Planning (Grafton);
- Department of Environment and Conservation (Grafton);
- Department of Primary Industries
- Tweed Shire Council

Consultation with NSW Rural Fire Service has been undertaken but only a copy of their acknowledgement letter has been provided.

There has been no consultation with Roads and Traffic Authority (Northern Region). The EA refers to SEPP 11 provisions and consultation requirements with Local Traffic committee, which are not relevant to an application under Part 3A.

Documented recent consultation with these agencies is required.

11. Site Analysis Plan

All the listed information has not been appropriately or clearly identified.

12. Subdivision Plans

Proposed easements or restrictions are not shown, as referred to in section 6.10 and Annexure J & K, related to slope stability and types of construction for particular lots.

13. Other Matters – Annexures and sections 5.0 and 6.0

You should ensure that all relevant findings, conclusions and recommendations of the various reports within the Annexures are integrated with and summarised within the main body the EA report.

The Annexures are poorly ordered making it difficult to access information.

- Annexures H & I and J & K could be combined into two rather than four separate Annexures.
- Consultation documentation could be grouped together within one Annexure.
- You should ensure that the titles of the reports are accurately referred to.

Section 5.0 and 6.0 should be reviewed, with some of this material being repetitious.

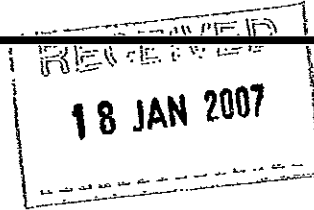
All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Telephone: (02) 8741 5555

Facsimile: (02) 8741 5433



Mr Darryl Anderson
Darryl Anderson Consulting
Suite 7 Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

Your Ref: DIC 04/39 & MCL 02/01
S06/0041
Our Ref: G06/3167

10 January 2007

Dear Darryl,

Walmsley Road & Stott Street, Bilambil Heights NSW

I refer to your recent correspondence dated 10 October 2006 in relation to the above mentioned property. I apologise for the delay in responding.

The NSW Rural Fire Service (RFS) has responded previously to the abovementioned development proposal stipulating our key issues and assessment requirements (dated 19 July 2006) pursuant to Part 3A of the Environmental Planning & Assessment Act 1979.

As you may be able to appreciate the RFS Development Control Services has a significant responsibility for determining Development Applications (DAs) situated within bush fire prone land throughout the state. As such, at this particular point in time, we unfortunately do not have the capacity or availability of resources to accommodate thorough reviews of development proposals outside of the normal DA referral and determination processes with the various consent authorities.

However, the RFS does endeavour to provide a consultation opportunity for applicants prior to lodgement of their DA. It is important to note that this opportunity is generally reserved for proposals that are considered to be 'significant' and/or where there may be extenuating circumstances in terms of the ability of the development to comply with the required bushfire protection measures. Should you consider that the development proposal is within aforementioned criteria then you are welcome to request a pre-lodgement consultation.

All pre-lodgement integrated development advice and meetings should be requested through the Development Control Services Coordinator, Ms Nika Fomin on telephone number 02 87415424.

79BA queries should be directed through the appropriate District RFS office.

Finally, should additional professional bushfire protection advice or reporting be required to support the Development Application, you may require assistance from a private bushfire consultant. The Fire Protection Association of Australia (FPAA) has a

list of practitioners who are certified with the FPAA in Bushfire Planning and Design. This list can be obtained from their website at www.fpaa.com.au.

For further information concerning this correspondence please contact Daniel Copland.

Yours sincerely



per Lew Short
Manager, Development Control



16 JUL 2007

Contact: John Finlay
Phone: 02 6641 6600
Fax: 02 6641 6601
Email: northcoast@planning.nsw.gov.au

Mr D Anderson
Director
Darryl Anderson Consulting Pty Ltd
Suite 7 Corporate House
8 Corporate Circuit
TWEED HEADS NSW 2486

Our ref: G03/00070
Your ref: DIC 04/39 MCL 02/01

12 July 2007

Dear Mr Anderson

Subject: Residential Subdivision in Walmsleys Road and Stott Street Bilambil Heights

Thank you for your letter of 3 July 2007 seeking the Regional Office's comments on a proposed 85 lot subdivision in Bilambil Heights.

This office has no additional comments to make other than those provided to the focus meeting on the 11 May 2004 and to the Department and reflected in the Director General's Requirements issued on 15 August 2006. These comments relate to the following:

- The concerns about the steepness of some of the land;
- The impact on the SEPP No. 14 Coastal Wetland upstream of the site;
- Contamination issues arising from previous agricultural activities;
- The extent of development on the eastern part of Lot 4;
- The considerable vegetation that still exists on the site;
- The impact on adjacent regionally significant farmland to the north.

I believe these issues were raised in the focus meeting and are reflected in the requirements previously issued by the Department.

I trust this is of assistance to you.

Yours sincerely

John Finlay
Local Environmental Planner
(North Coast)

Jenny

From: Lindsay McGavin [LMcGavin@tweed.nsw.gov.au]
Sent: Friday, 19 September 2008 1:22 PM
To: Jenny
Subject: FW: Major Project Application No. MP05-0198 Proposed 80 Lot Residential Subdivision at Bilambil Heights
Attachments: 35054-BDYS-CONSTRAINTS-280808-EMAIL.PDF

Darryl,

See comments re below re roads.

Lindsay McGavin

From: Paul Morgan
Sent: Friday, 19 September 2008 9:36 AM
To: Lindsay McGavin
Cc: Danny Rose; Ian Kite
Subject: FW: Major Project Application No. MP05-0198 Proposed 80 Lot Residential Subdivision at Bilambil Heights

Lindsay

subject to satisfactory design and construction in accordance with Councils Standards ,the roads shown in the attached drawing will be accepted by Council

thanks
Paul

From: Jenny [mailto:Jenny@daconsulting.com.au]
Sent: Thursday, 28 August 2008 1:33 PM
To: Lindsay McGavin; Paul Morgan
Subject: Major Project Application No. MP05-0198 Proposed 80 Lot Residential Subdivision at Bilambil Heights

Gentlemen

We are currently amending the Environmental Assessment report for the above project which as you might recall links Walmsleys Road and Stott Street and creates three other public roads as shown on the attached plan. The community property Lot 80 will not be a public road as it will be part of a community scheme. The Department of Planning has requested that we obtain confirmation from Council that Council is prepared to accept dedication of the proposed public roads once they are constructed. It would be appreciated if you could confirm this by return email.

Regards
Darryl

Darryl Anderson Consulting Pty Ltd
Suite 7 Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

Ph: 07 5523 3611
Fax: 07 5523 3612

22/09/2008



FOR VOTE - Unanimous

O3 [EO-OC] Kennedy Drive - Traffic Capacity and the Impact of Development

O 146 COMMITTEE DECISION:

**Administrator Boyd
Administrator Payne**

RECOMMENDED that:-

1. Council adopts the revised Level of Service D equating to 24,650 vehicles per day on Cobaki Bridge at Kennedy Drive.
2. The current remaining spare traffic capacity (being 1506 vehicle trips per day) to be provided to future development west of Cobaki Bridge on a first in/first served basis.
3. No development is approved west of Cobaki Bridge when the remaining spare traffic capacity of 1,506 vehicle trips per day are consumed.
4. With respect to items (2) and (3) above, a review of traffic generation and development approvals be undertaken in twelve months time.

FOR VOTE - Unanimous

~~**O4 [EO-OC] Strategic Asset and Services Management Program**~~

~~**O 147 COMMITTEE DECISION:**~~

~~**Administrator Payne
Administrator Boyd**~~

~~**RECOMMENDED that pursuant to the provisions of the Strategic Asset Management Policy, Council determines the following matters to be set out in Schedule 1 of the policy. The decision shall take effect from 19 June 2007.**~~

Jenny

From: Daniel Kidd [dkidd@tweed.nsw.gov.au]
Sent: Friday, 28 March 2008 1:55 PM
To: Jenny
Subject: confirmation of receipt: MP05_0198

Hello Darryl,

As per our conversation today, I have added MP05_0198 to the Kennedy Drive traffic management catchment.

Regards, Daniel Kidd.

	Tweed Shire Council
	Daniel Kidd Town Planner
	Civic & Cultural Centre, P.O. Box 816, Murwillumbah NSW 2484 Telephone: (02) 6670 2756 Facsimile: (02) 6672 6250 Email: dkidd@tweed.nsw.gov.au Website: www.tweed.nsw.gov.au

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

Opinions, conclusions and other information in this message that do not relate to official Council business shall be understood as neither given nor endorsed by it.

www.tweed.nsw.gov.au

This email has been scanned by the MessageLabs Email Security System

Sandra

From: Sally Munk [Sally.Munk@planning.nsw.gov.au]
Sent: 2008-03-10 09:52 AM
To: Sandra
Subject: Bilambil Heights Subdivision - MP05_0198
Attachments: 05_0198 Comments on Draft EA March 08.pdf

Hi Darryl

I refer to the DRAFT Environmental Assessment (EA) for the subdivision at Walmsley and Stott Street in Bilambil Heights (MP05_0198).

I have reviewed the draft EA against the DGRs issued for the proposal on 15 August 2006. A number of similar issues have been raised in this review, however, a couple additional inadequacies relating to flora and fauna and geotechnical matters have been identified. It would be preferable for these to be addressed prior to the public exhibition period.

As we are planning to come up to Tweed Heads on Tuesday 18th March (I am still waiting for Bayden & Craig to confirm) for our Twin Towns discussion, we would be happy to sit down and discuss our comments on the Bilambil EA on the same day. As previously mentioned, we would also like to inspect the Bilambil Heights site whilst we are up there.

In the meantime, let me know if you have any questions.

Regards
Sally

Sally Munk (Laing)
Senior Environmental Planner - North Coast
Coastal Assessments

23-33 Bridge Street
Sydney NSW 2000
Phone: (02) 9228 6498
Fax: (02) 9228 6540
sally.laing@planning.nsw.gov.au

This message is intended for the addressee named and may contain confidential/privileged information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.

You should scan any attached files for viruses.

10/06/09

Proposed 84 Lot Residential Subdivision at Walmsleys Road and Stott Street, Bilambil Heights (MP 05_0198)

Comments on Draft EA

The review of the Draft Environmental Assessment has been undertaken against the Director-General's Environmental Assessment Requirements (DGRs) issued for the proposal on 15 August 2006 and in light of the adequacy test undertaken previously on 18 December 2006. A number of similar issues have been raised in this review. However, additional inadequacies relating to flora and fauna and geotechnical matters have been identified and should be addressed prior to public exhibition.

Many of the requirements and key issues specified in the DGRs are addressed within the technical annexures and have not been discussed in the main report. The main EA report should be a stand alone document and should address all of the general requirements and all of the key issues listed in the DGRs. The reader should not have to refer to technical reports to understand how each issue has been addressed, what assessment has been undertaken and the recommendations of each report. Relevant plans should be reproduced as figures in the main report or their location clearly identified within the annexures.

GENERAL REQUIREMENTS

Description of the proposal

- The site description should be clear about what type of cropping activities are being undertaken on the site.
- The description of the proposal in Section 4.0 of the EA is too brief. Please describe exactly what you are seeking approval for, including whether the approval includes construction of all infrastructure, such as the sewage pumping station.
- Please describe the staging of the development, including details of the lots, roads and infrastructure to be constructed at each stage. Please specify whether a separate construction certificate and subdivision certificate is required for each stage.
- The open space lot should be constructed as part of Stage 1.
- Please provide a draft Community Management Statement.
- Explain why Lots 80 – 84 will be under a community management scheme.
- Is Road 5 to be a community property lot, or to be dedicated to Council?

Consideration of statutory and non-statutory provisions

- Please provide a discussion on the consistency of the proposed subdivision layout with the draft *Tweed Local Environmental Plan Amendment No.21*. A plan showing the proposed subdivision layout over the proposed zoning plan should be provided.
- *SEPP44 – Koala Habitat* has not been discussed.
- Table 7.10 (p29) needs to summarise how each of the actions within the *Coastal Policy* has been addressed and should not just reference Annexures.
- Annexure 12 should be included within Section 7.
- The *Coastal Design Guidelines* have not been considered here.
- Include an additional column in Section 7.15 that sets out the actual contributions payable under each Section 94 Plan.

An assessment of the potential impacts of the project and a draft Statement of Commitments

- The Statement of Commitments should include a commitment to develop design guidelines in consultation with Council. The guidelines should be in accordance with the *Future Residential Character & Built Form Report* by BDA Architecture.
- The Statement of Commitments should be expanded to include all recommendations of the technical reports.
- Upgrading of Walmsleys Road should be included in the Statement of Commitments.
- Requirements for rainwater tanks and individual sewage pumping systems should be included in the Statement of Commitments.

KEY ISSUES

1. Subdivision Layout, Desired Future Character and Sustainability

- 1.1 It is understood that a number of the proposed roads are to be dedicated to Council. There is no discussion of this in the EA. Confirmation is required that Council are prepared to take on these roads once constructed.

- 1.2 The proposed built form controls outlined in Annexure 15 should be summarised in the main EA.
- 1.3 Table 9.3.1 of the main EA and Section 7.3.1 of the Infrastructure Report (Annexure 9) states that the cul-de-sac length complies with Council's requirements. The proposed cul-de-sac at Road No.5 is 200m, Council requires a maximum length of 100m. This is non-compliant. Please provide justification for non-compliance or amend the site layout.
- 1.4 What is meant by "substantially complies", how is this different to "complies"?
- 1.5 Provide details of the width of accessways to Lots 11 – 12, 31 – 35, 36 – 40 and 51 – 54. All driveway widths should comply with Council's *Design Specification D1.22 – Urban Driveways and Access*. Any non-compliance should be adequately justified. It should be noted that multiple separate but contiguous battle-axe handles are not permitted and must be amalgamated into a reciprocal right of way.
- 1.6 Demonstrate compliance with local park / open space requirements specified in the Tweed DCP for the local park in Lot 13.
- 1.7 Annexure 11 should be included in Section 6 of the main EA report.
- 1.8 Annexure 11 refers to Lot 48 and 70 (in two parts) having components of 2(c) zoned land to each accommodate a dwelling. Please explain what is meant by 'in two parts'. If it is proposed to put a dwelling on Lot 48, please show a building location envelope on this lot.

2. Stormwater

- 2.1 Section 6.4 refers to Figure 4. This figure is located in an annexure and should be reproduced in the main report if it is going to be referred to here.
- 2.2 There is no discussion / assessment of the impact of the proposal on the SEPP14 wetlands downstream of the development.

3. Flora and Fauna

- 3.1 Section 6.7 of the report needs to be expanded. Please include details of when fieldwork was undertaken, list all threatened species identified on the site (flora and fauna) and include a reference to a plan that shows where each species was observed.
- 3.2 More detail is required regarding the long term management and maintenance of the 7(d) zones within the study area. What sorts of measures will the Vegetation Management Plan include?
- 3.3 The Ecological Assessment at Annexure 8 states that notification to the Commonwealth is not required. It is the Department's understanding that the relevant documentation was forwarded to the Department of Environment, Water, Heritage and the Arts on 17 January 2008. Please include details regarding the outcomes of this referral in the main EA report.
- 3.4 Page 13 of the Ecological Assessment indicates that the Camphor Laurel – simple notophyll closed forest communities described by this report broadly fall within the Endangered Ecological Community (EEC) "Lowland Rainforest in the NSW North Coast & Sydney Basin Bioregions". Please confirm the presence of and map any EEC within or immediately adjacent to the site. A minimum 50 metre vegetated buffer is required between the proposed subdivision and any EEC.
- 3.5 Biolink make the recommendation that all Asset Protection Zones (APZs) should be outside the present line of vegetation but make no mention of a buffer. A 50m buffer is required to any EEC. A plan showing the APZ in relation to the EEC and other remnant vegetation should be provided.
- 3.5 Threatened flora species should be protected by an 88B instrument and not just tagged.
- 3.6 It is noted that no fauna survey has been undertaken. As the proposal involves vegetation clearing for APZs and road construction, a full fauna survey is required for the site. A large number of potential threatened fauna are returned from the DECC threatened species website. While there may only be a small amount of direct impact this has not been quantified. Indirect impacts also require assessment. DECC should be consulted to obtain survey requirements.

4. Aboriginal and Cultural Heritage

- 4.1 Section 6.6 of the EA is a cut and paste from the Aboriginal Report. The report needs to be summarised, including details of consultation undertaken, any field work, involvement of relevant groups, etc.
- 4.2 The Aboriginal report does not contain evidence of an AHIMS database search. This should be undertaken and documented in the report.
- 4.3 Consultation has not been undertaken in accordance with the *Interim Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC, 2005) Draft*, in particular, the following have not been undertaken:
 - No ad placed in the newspaper calling for registered stakeholders;
 - No registered stakeholders recorded.

6. Geotechnical

- 6.1 Further details are required that demonstrate that building sites are available on all steeply sloping allotments, i.e. building locational envelopes, cross sections, etc.
- 6.2 Additional cross-sectional detail is to be provided every 200m along the site boundary to demonstrate that pre-development levels are preserved at the external (perimeter) boundaries in accordance with the Tweed DCP – Subdivision Manual. The cross-sections are to show levels, distance to cut / fill / retaining walls / proposed road, height of proposed cut and fill volumes and any sub-soil drainage.
- 6.3 While the slope stability analysis by Maiden Geotechnics (June / July 2004) in Annexure 7 provides a discussion and recommendations for Lot 1 DP 167380, no information in this regard has been provided for Lot 5 DP 1117326, Lot 1 DP 131787 or Lot 2 DP 961928. Further discussion and recommendations are required for the northern part of the site in terms of slope stability works (if required).

8. Bushfire

- 8.1 Please state who will be responsible for maintaining the area adjacent to the proposed sewage pumping station as an APZ. Will this be the responsibility of Council? If so, have they agreed to do this?
- 8.2 The bushfire assessment should be undertaken in accordance with *Planning for Bushfire Protection 2006* (not 2001). Please review the report to ensure consistency with the new document.
- 8.3 The APZ Calculator and Bushfire Attack Assessor on the Rural Fire Service website will provide minimum APZ requirements and level of construction required for dwellings.
- 8.4 A plan showing all APZs in relation to lot boundaries and proposed fire trail / access easements should be provided.

Consultation

- No community consultation has been undertaken and no discussion is provided regarding a strategy proposed for undertaking this consultation.

Plans and Documents of the Development

- All plans should be provided at a minimum of A1 size as many of the A3 plans are illegible at A3, eg: survey plans.
- The proposed subdivision plan should show:
 - Any easements or rights of way, eg: for access or services;
 - Open space lot denoted as open space;
 - Building location envelopes (BLE) on steep sites (>10%)
 - BLEs on lots with APZ within the lot boundary
 - Staging (if any)
 - Community property and community development lots;
 - Meaning of blue line adjacent to the sewage pumping station.
- It may be better to provide separate plans to illustrate some of the above, eg: a separate plan showing staging of the subdivision.
- Please provide a constraints plan that shows all constraints, including:
 - APZs
 - Threatened species, including EECs;
 - Steep undevelopable land and landslips (e.g. eastern depression); and
 - Existing easements, eg: for powerlines, if any.
- Please provide a plan that shows all land to be dedicated to Council.

EDITORIAL ISSUES

- a. No comment has been made against 'Significant Natural Features' in Table A5.4.5 – Land Forming on page 40 of the EA.
- b. Reference to Figure 4 on page 41. Where is this figure?
- c. All reports should be provided in colour as some photos / plans are illegible, eg: Annexure 7, Annexure 9.
- d. Annexure 12 refers to an SEE not an Environmental Assessment.
- e. Details of agency consultation are in separate annexures (Annexures 19 – 31) to the EA report. These should be together in one.
- f. The bushfire assessment slope transects on Figure 4 in the Bushfire Assessment are not numbered. APZs vary from 13m – 21m depending on the slope of the land.

Jenny

From: Alcock, Petrina [Petrina.Alcock@environment.gov.au]
Sent: Monday, 1 September 2008 12:07 PM
To: Jenny
Cc: Randell, Trish
Subject: Bilambil Hieghts [SEC=UNCLASSIFIED]

Dear Darrell,

Thank you for your recent phone call regarding the outcome of the Department's enquires into the Bilambil Heights residential subdivision (Major Project Application No. 05-0198). This was in relation to obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As you would be aware, the Australian Government only has a role in regulating new developments that impact on certain key items of Australia's natural and cultural heritage, called matters of 'national environmental significance'. These matters are protected under the EPBC Act and include, for example, threatened ecological communities and plant and animal species listed at the national level, among others.

Any new development involving an action likely to have a significant impact on any matters of national environmental significance requires consideration by the Department through submission of a referral form by the proponent. Surveys revealed that the listed vulnerable *Macadamia tetraphylla* (Rough Shelled Bush Nut) and listed endangered *Randia moorei* (Spiny Gardenia) were present in small numbers at and in the vicinity of the Walmsley Road site.

Not all actions affecting matters protected under the EPBC Act will have a significant impact and require approval. I understand you have previously indicated to Nick Harris of this Department that you did not consider referral would be necessary. The Department examined this development, including the Ecological Assessment by Biolink which you provided. The outcome of this was that significant impacts on the two EPBC listed flora species at the site appeared unlikely and as such Nick called you on 28 January 2008 to advise that the Department would not be pursuing a referral for this development.

I hope this has helped clarify things. If you have any further questions please feel welcome to contact me directly, details below, as Nick has since left the Department.

Regards,

Petrina Alcock

Compliance Officer (WA, SA, NSW, ACT, external territories)
Approvals & Wildlife Division
Department of the Environment, Water, Heritage and the Arts
PO Box 787
Canberra 2601
T: (02) 6274 1639
F: (02) 6274 1878
www.environment.gov.au



Please consider our environment before printing this e-mail.

Important note: This message has been issued by The Department of Environment and Water Resources and may contain confidential or legally privileged information. The information transmitted is for the use of the intended recipient only. It is your responsibility to check any attachments for viruses and defects before opening or sending them on. Any reproduction, publication, communication, re-transmission, disclosure, dissemination or other use of the information contained in this e-mail by persons or entities other than the intended recipient is prohibited. The taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you think it was sent to you by mistake, please delete

1/09/2008