

2 August 2012

**PLANNING ASSESSMENT COMMISSION DETERMINATION REPORT FOR THE
BILAMBIL HEIGHTS RESIDENTIAL SUBDIVISION - WALMSLEY RD & STOTT STREET
TWEED LOCAL GOVERNMENT AREA**

Project Application

The Proponent is seeking project approval for residential subdivision on land connecting to Walmsley Road and Stott Street, in Bilambil Heights. The subdivision is proposed to be done in 6 stages and includes:

- Creation of 82 residential lots (including 5 which would be within a community title);
- Creation of a public reserve;
- A dedicated lot for a sewage pumping station; and
- Associated roads, stormwater and utility infrastructure.

Director-General's Environmental Assessment Report

The proposal has been assessed by the Department of Planning and Infrastructure. The Department's Assessment report considered the following key issues:

- Subdivision layout;
- Traffic impacts and safety;
- Flora and Fauna;
- Stormwater;
- Earthworks and land forming;
- Geotechnical and slope stability; and
- Staging.

Other issues considered in the report are:

- Airport flight paths impacts;
- Aboriginal cultural heritage;
- Bushfire risk;
- Contamination; and
- Development Contributions.

The Department's assessment concluded that the project would assist with housing supply on the North Coast while achieving other key priorities in the Regional Strategy such as protection of native vegetation and species habitat. The Department concluded that the site is suitable for the proposed development, that the project is in the public interest and that it should be approved subject to recommended conditions.

Delegation to the Commission

On 7 June 2012 the project was referred to the Planning Assessment Commission for determination, under the terms of the Minister's delegation.

The Chair of the Planning Assessment Commission, Ms Gabrielle Kibble AO nominated Mr Paul Forward (chair) and Mr David Furlong to constitute the Commission for the project.

Commission Meetings and Site Visit

Briefing from the Department

On 2 July 2012 the Department provided a briefing on the proposal. The main issues discussed related to the requirements in relation to the Obstacle Limitation Surface for the

site, traffic, the community title area, stormwater, subdivision layout and section 94 contributions.

Site visit and Meeting with the Proponent

The Commission visited the site with the Proponent on 11 July 2012. The proponent provided some background on the ownership and history to the site. The proponent also explained it expected many of the stepper sites would be developed using pole framed houses and noted that it would meet Council's requirements in relation to the amount of filling to be undertaken on site.

On 12 July 2012, the Commission returned to the site via Stott Street, to further understand the issues raised at the Public Meeting (see below).

Meeting with Tweed Shire Council Officers

The Commission also met with Tweed Shire Council on 11 July 2012. The issues discussed were, the Obstacle Limitation Surface for the site; traffic, access and requirements for the roundabout; the community title area; requirements for access to the sewage pumping station; stormwater; subdivision layout and section 94 contributions.

The Council provided the Commission with revised figures for the section 64 and section 94 contributions, noting that the figures had changed with the commencement of the new financial year, and also acknowledging that as the conditions required the Proponent to provide bus shelters, contributions for bus shelters should not be levied.

Public Meeting

On Thursday 12 July 2012 the Commission held a public meeting on the application. Four registered speakers (Mr Peter Curtis, Mr Michael Kreveld, Mr Greg Williams and Mr Alan Mills) spoke at the meeting, held at the Tweed Heads Bowls Club. Approximately 50 people attended the meeting. All the speakers were residents of the existing estates to the east and south of the site.

The key issue raised by the speakers was the concern about the increased traffic and the safety issues associated with this.

The site currently has access from 2 sides, either by travelling the Scenic Drive, Warriga Drive, Nabilla Street route, to connect to Walmsley Road or by travelling along Piggabeen Road, up Skyline Drive into Stott Street. Once developed the roads through the subdivision would connect Walmsley Road and Stott Street, allowing through access.

Residents are particularly concerned that the proposal will significantly increase the volume of traffic using Warriga Drive and Nabilla Street. Warriga Drive runs from east to west and is fairly steep. Local residents raised concerns about impaired visibility at the intersection of Warriga and Nabilla Street during the late afternoon when the sun sits directly above the crest of the hill.

The residents explained that not only would the residents of the project site use the Warriga Drive access route, but existing residents on Stott Street and surrounds would also be likely to choose to travel through the site to get onto Scenic Drive. Scenic Drive is understood to have better traffic conditions than Piggabeen Road and would also be the shorter route for those people travelling to Murwillumbah.

Other issues raised by the residents included, the size and scale of the proposal; the technical issues associated with the site, particularly the steepness of the blocks and the ability to manage stormwater; as well as concerns about potential impacts on the Wallum

Froglet, which is listed as a vulnerable species under the *Threatened Species Conservation Act 1995*.

Commission's Comments

Traffic and Road Access

After the Public Meeting the Commission returned to the site to consider the traffic issue raised by the local residents. The Commission has accepted the residents' concerns and has added a condition to prevent through site access. The Council and the Department are opposed to this change to the design.

The Commission acknowledges the concerns raised by Council and agrees that through access would be ideal in terms of permeability, traffic dispersal, potential future bus routes and access for emergency vehicles. The potential for a bus route to be provided through the site would appear to be the most compelling reason to provide through site access; however the Commission is not convinced a bus route through the site would be a viable option in the foreseeable future.

The Commission considers that the road gradients on either side of the site bring into question the viability of running a bus route through the area. Notwithstanding the issue of road gradients, there do not appear to be any public buses servicing the existing residential estates around Warringa Drive (only school buses). While there is one bus route that runs along Scenic Drive, passing through the area, it does not appear to stop along this section of the route. Consequently, it seems unlikely that the relatively modest increase in dwellings associated with this subdivision would be sufficient to trigger the provision of a viable bus service.

Given the strong community concern raised at the public meeting, the Commission is not convinced that through site access is essential in this instance. Nonetheless, the road reserve will eventually be dedicated to Council, so a connection could be built at a latter date, should a need for it become apparent.

As the site will no longer need to cater for through traffic, the recommended conditions relating to the construction of a roundabout at the intersection of Walmsleys Road with Stott Street, has been amended by the Commission. Walmsleys Road will now connect to Road No 1 and as the intersection will no longer need to cater for buses, the Commission considers that a roundabout may no longer be the only satisfactory solution for the intersection. Consequently the Commission has modified this condition to allow for alternative options to be considered.

As bus stops will no longer be required to be built within the site, Section 94 contributions for bus shelters have been added back into the conditions.

Sewage Pumping Station

The condition recommended to deal with access to the sewage pumping station left some uncertainty as to how access would be achieved and where the final lot boundaries would be positioned. The Commission devised a solution which Council has accepted and consequently the Commission has conditioned this change, so as to avoid uncertainty.

In consultation with Council, the Commission also made some other minor changes to other conditions to clarify the intent of various conditions.

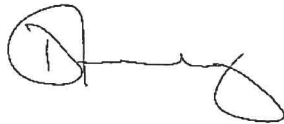
Commission's Determination

The Commission has carefully considered the Director-General's Environmental Assessment Report and associated documents including the submissions from the community and the government agencies.

After careful consideration, the Commission has determined to approve the project, subject to some amendments to the recommended conditions.

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Paul Forward
Member of the Commission

A handwritten signature in black ink, appearing to read 'D. Furlong'.

David Furlong
Member of the Commission