



DARRYL ANDERSON CONSULTING PTY LTD
TOWN PLANNING & DEVELOPMENT CONSULTANTS

MAJOR PROJECT APPLICATION NO. 08_034

**PRELIMINARY ASSESSMENT AND
REQUEST FOR DIRECTOR GENERAL'S
ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

**PROPOSED 56 LOT SUBDIVISION, CONVENIENCE STORE
AND REFRESHMENT ROOM
AT LOTS 2 AND 3 DP 244652
URLIUP ROAD, BILAMBIL**

PREPARED FOR:

JACKSON INTERNATIONAL PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

MARCH 2008

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8 Corporation Circuit
Tweed Heads South NSW 2486

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BILAMBIL VILLAGE

1.0 BRIEF

Jackson International Pty Ltd has instructed Darryl Anderson Consulting Pty Ltd to prepare a submission to the Department of Planning requesting the Department to issue the Director General's Environmental Assessment requirements in respect to this project.

2.0 BACKGROUND

On 17 March 2008 the Department of Planning advised that the proposal is a Major Project and that Part 3A of the Environmental Planning and Assessment Act applies. A copy of the Department's letter is provided at **Annexure C**.

3.0 SITE DETAILS

In real property terms, the site is described as Lots 2 and 3 DP 244652, Uriup Road, Bilambil. The total area of the site is 4.713 hectares.

Located in the village of Bilambil, the site has frontage to Hogans Road, Bilambil Road and Uriup Road, Bilambil. Bilambil Creek adjoins the site to the west. Site levels range from approximately RL 5.0m AHD adjacent to Bilambil Creek to approximately RL 26m AHD towards the centre of the land. The land has previously been used to stockpile road building materials and it is intended the site will be levelled and land formed to accommodate the proposed subdivision lots.

Figure 1 shows the location and zoning of the site and adjacent land.



Figure 1 - Site Location and Zoning

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To the east of the site is the existing Bilambil Sports Club and sports fields, to the north of the site is low density residential development, to the west of the site is land zoned Residential 2(d) and Rural 1(a) used for agricultural purposes and to the south of the site is land zoned Rural and used for agriculture.

The Bilambil Hall adjoins the north eastern corner of the site and is located on the corner of Uriup Road and Bilambil Road.

4.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The key elements of the redevelopment project are as follows:

- ♦ Construction and dedication of new roads;
- ♦ Creation of 55 residential lots with areas ranging from 450m² to 800m²;
- ♦ Creation of one "retail" lot with an area of 3450m²;
- ♦ Construction of all urban services including reticulated water supply, reticulated sewer and drainage;
- ♦ Construction of a commercial building to accommodate a convenience store and restaurant.

The estimated construction cost of the project is approximately \$3.125 million and it is estimated that fifteen fulltime equivalent positions will be generated during the operational stages of the development.

Details of the proposal are provided in the Draft Application Plans at **Annexure A**.

5.0 PLANNING PROVISIONS

5.1 State Environmental Planning Policy – Major Projects 2005

As indicated above, the Minister has formed the opinion that this proposal is a Major Project under the provisions of this Policy and therefore Part 3A of the Act applies.

5.2 State Environmental Planning Policy No. 71 – Coastal Protection

The subject site is in the coastal zone and is also in a sensitive coastal location. Clause 8 of this Policy requires any application to address various matters. Clause 8(c) relating to foreshore access, Clause 8(h) relating to protection of fish habitat and Clause 8(m) relating to water quality are the key issues likely to arise under this Policy.

5.3 North Coast Regional Environmental Plan, 1988

Clause 15 of this Plan relates to rivers, streams and wetlands and requires the development to address matters relating to water quality and quantity, preservation of fisheries habitat, etc. Compliance with this Clause will be a key issue.

Clause 43 of the Plan relates to residential development and particularly the objective of optimising densities having regard to the environmental features of the land. This will also be a key issue under this Policy.

5.4 Tweed Local Environmental Plan 2000

As indicated on **Figure 1**, the subject land is zoned 2(d) Village under the provisions of this Plan. The objectives of this zone include:

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"Primary objective

- ♦ *to provide for residential development and a full range of services and facilities traditionally associated with a rural village which is of a design and scale that makes a positive contribution to the character of the village."*

The Land Use Table to Clause 11 of the Instrument provides that development for the purposes of a dwelling house is permissible, with consent, as an Item 2 use in the zone providing each allotment has a minimum area of 450m². The proposed residential lots comply with this requirement.

Development for the purposes of shops and refreshment rooms is also permissible, with consent.

The following clauses are particularly relevant:

Clause 15 – Availability of Essential Services

Reticulated water supply is available to the site.

Council has advised that there are capacity constraints on the existing sub regional pump station servicing the Bilambil area and that alternatives are available which will require investigation including pumping from the site to Bilambil Heights. Preliminary investigations indicate that this option is feasible.

Clause 16 – Height of Buildings

A three storey statutory height limit applies and the proposed commercial/retail building will comply with this requirement.

Clause 17 – Social Impact Assessment

Under the provisions of Tweed Development Control Plan 2007, Section A13 any application for a residential subdivision involving fifty or more lots must be accompanied by a Socio-Economic Impact Statement.

Clause 22 – Development Near Designated Roads

Bilambil Road is a designated road. Clause 22(4) requires the consent authority to take into account a number of matters when considering a development application. In summary, it is submitted that this proposal is not inconsistent with any relevant considerations in Clause 22 given that Bilambil Road is a residential street with a sign posted maximum speed of 50kph and provides sufficient traffic capacity to service the subject site which is zoned for residential development.

Clause 23 – Control of Access

This Clause provides that development consent must be obtained to construct a junction with a designated road. Bilambil Road is a designated road and therefore approval will be required for the two proposed roads to junction with that road.

Clause 34 – Flooding

Tweed Development Control Plan 2007, Section A3 indicates that the design flood level for Bilambil is RL 3.5m AHD and the adopted minimum floor level for residential development is RL 3.8m AHD. As indicated on the plans at **Annexures A and B**, that part of the site on which residential lots will be located is above RL 3.5m AHD.

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Clause 35 – Acid Sulphate Soils

According to the Development Assessment Panel minutes at **Annexure D**, the site is not mapped as containing acid sulphate soils on Council's Acid Sulphate Soils Planning Maps.

Clause 39 – Remediation of Contaminated Land

In accordance with the requirements of this Clause and the provisions of State Environmental Planning Policy No. 55, a Contamination Assessment and Report will need to be undertaken.

Clause 39A – Bushfire Protection

The land is mapped as bushfire prone and therefore compliance with Planning for Bushfire Protection, 2006 will need to be demonstrated.

5.5 Tweed Development Control Plan 2007, Section A2 – Car Parking Code

Compliance with the requirements of this Code, particularly in relation to the retail component of the development, will need to be demonstrated.

5.6 Tweed Development Control Plan 2007, Section A3 – Development of Flood Liable Land

See comments above in relation to Tweed Local Environmental Plan 2000.

5.7 Tweed Development Control Plan 2007, Section A5 – Subdivision Manual

The Preliminary Concept Plan generally complies with the provisions of this Manual in relation to lots sizes and orientation, road widths and geometry, urban design principles and land forming requirements. Details demonstrating full compliance with relevant components or justifying any inconsistencies would accompany the final Environmental Assessment.

5.8 Kennedy Drive Traffic Capacity

In relation to downstream traffic capacity, Council at its meeting on 19 June 2007 resolved that the current remaining spare traffic capacity of 1506 vehicle trips per day be allocated to future development west of Cobaki Bridge on a first in/first served basis. This Major Project application generates approximately 300 trips per day on Kennedy Drive (assuming an 80%/20% split between Bilambil Road and Terranora Road) and based on advice provided by Council officers in February 2008, there is sufficient capacity to enable this Major Project application for 55 residential lots and a commercial/retail development to be approved (ie. 1378.6 trips per day available at 24 October 2007, less 540 vehicle trips allocated to Major Project Application No. 05_0198 - 84 lot residential subdivision at Bilambil Heights equals approximately 837 trips available at March 2008).

5.9 Bushfire

The subject land is mapped as bushfire prone land and therefore compliance with the publication Planning for Bushfire Protection, 2006 will be a key issue.

5.10 Far North Coast Regional Strategy, 2006 – 2031

The subject land is mapped as being in the existing urban footprint under the provisions of this Strategy and therefore the proposal is entirely consistent with the Strategy particularly as it will provide housing choice and additional living opportunities away from the more expensive coastal areas.

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6.0 CONSULTATIONS

Consultations have been held with Officers of Tweed Shire Council at a formal Development Assessment Panel meeting and the minutes of that meeting are attached at **Annexure D**. Addressing the matters identified by the Panel will be key issues in this Major Project application.

7.0 KEY ISSUES

7.1 Sewer

Investigations will need to be completed in relation to feasible options of conveying sewage from the site to the nearest suitable receiving point at Bilambil Heights, to the satisfaction of Tweed Shire Council.

7.2 Buffers to Bilambil Creek

The Draft application plans provide for appropriate buffers to Bilambil Creek and Hogans Road.

7.3 Compatibility With the Establish Character and Amenity of Bilambil Village

Having regard to the objectives of the 2(d) zone compatibility with the established character and amenity of Bilambil Village will be a key issue to be addressed in the Environmental Assessment Report.

7.4 Contamination

Having regard to previous land uses and the existing fill material stockpiled on site a Contamination Assessment carried out in accordance with the provisions of State Environmental Planning Policy No. 55 and relevant State Agency guidelines will be a key issue.

7.5 Geotechnical Stability

As the site has been used to stockpile road building materials for many years and land forming will be required a full Geotechnical Investigation and Report will need to be undertaken.

7.6 Open Space

In accordance with Tweed Shire Council's normal requirements contributions in lieu of the dedication and embellishment of on site structure open space (ie. sports fields) would normally apply.

In relation to casual open space (ie. neighbourhood parks and children's playgrounds) it is intended that either the proposed open space areas on the site adjacent to Bilambil Creek will be suitably embellished (comprising an area of approximately 1700m²) or alternatively a contribution will be made to Council for the upgrading and the further embellishment of Prindable Park which is located within approximately 200m of the site between Bilambil Creek and Bilambil Road. Consultations will be held with relevant Council officer from the Recreation Services Unit in finalising the Environmental Assessment Report to determine the most appropriate option having regard to Council's Open Space Strategy.

7.7 Stormwater Management

Management of stormwater runoff prior to it entering Bilambil Creek will be a key issue to be addressed and in particular compliance with Council's Urban Stormwater Management Policy and the principles of Integrated Water Cycle Management.

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7.8 Traffic Capacity on Kennedy Drive

The Department is requested to notify Tweed Shire Council that this Major Project application has been formally lodged and request Council to allocate the required capacity on Kennedy Drive to the project.

7.9 Flora and Fauna

The site contains some remnant stands of native vegetation particularly adjacent to Bilambil Creek and therefore a Flora and Fauna Assessment will be undertaken to identify any threatened species, endangered ecological communities or other wildlife habitat areas which may have high conservation values.

7.10 Overhead Transmission Line

An overhead transmission line exists in the south western corner of the site. The creation of an easement and appropriate buffers to the line will be an issue.

8.0 SUMMARY AND CONCLUSION

Based on the analysis undertaken in this assessment, it is considered that the key issues identified in Section 7.0 are not such as would give rise to a refusal of the project as they can be satisfactorily addressed in the final Environmental Assessment to be undertaken once the Director General's Environmental Assessment requirements have been issued.

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ANNEXURE A Preliminary Application Plans – LVO Architecture, 31 October 2007 (2 Sheets)

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Request for DGEARs
Project No: JAC 08/19 – March 2008

Lots 2 & 3 DP 244652
Urliup Road, Bilambil



DP 634560

DP937212
BILAMBIL HALL

**RETAIL SITE PLAN &
BUILDING LAYOUT -**
TOTAL RETAIL AREA = 1,000 SQM.

⊙ SETBACK.
(BILAMBIL HALL)



ANNEXURE B Level and Detail Survey Plan – B & P Surveys, 3 October 2007 (2 Sheets)

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Request for DGEARs
Project No: JAC 08/19 – March 2008

Lots 2 & 3 DP 244652
Urliup Road, Bilambil

CARROL ROAD



DP 634560

SITE BM
SSM 90108
RL 3.758 AHD

DP937212
BILAMBIL HALL
SINGLE STOREY TIMBER BUILDING

UNIDENTIFIED PIT

HEADWALL
IL 2-55

STOPWATER MANHOLE

DP244652

DP244652

BILAMBIL CREEK

STOCKPILES

HYDRANT NOT FOUND
APPROXIMATE LOCATION OF HYDRANT
AS PER TWEED SHIRE COUNCIL SCHEMATIC
PLAN.

SHEET 1

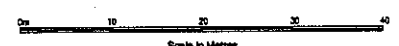
IMPORTANT NOTE:



ALL UNDERGROUND SERVICES
SHOULD BE LOCATED ONSITE
BY RELEVANT AUTHORITIES
BEFORE ANY WORK IS COMMENCED.

Important Notes:

NATURAL SURFACE LEVELS WERE OBTAINED BY AERIAL
LASER SCANNING METHOD AND ARE ACCURATE TO +/- 0.15m
VEGETATION LINES AND TRACK LOCATIONS WERE DIGITIZED FROM AERIAL
PHOTOGRAPHY AND IS TO PLOTTING ACCURACY ONLY.
CREEK BOUNDARY WAS DIGITIZED FROM EXISTING CADASTRAL RECORDS
AND AS SUCH IS TO PLOTTING ACCURACY ONLY.



Legend

- TELSTRA PIT
- ELECTRICITY STAY POLE
- ELECTRICITY POWER POLE
- HYDRANT
- BARRIERS FENCE
- INVERT OF OPEN DRAIN
- UNDERGROUND STOPWATER PIPE
- ABOVE GROUND ELECTRICITY LINE

Sheet Layout

SHEET 1
SHEET 2

Important Notes: (THIS NOTE IS AN INTEGRAL PART OF THIS PLAN)
 DATE OF SURVEY: 2, 3, 22 & 24/10/2007
 CONTOUR INTERVAL - 1.0 m
 LEVEL DATUM: VIDE SSM 90108 RL 3.758 AHD
 CONTOURS ARE DERIVED FROM FIELD OBSERVATIONS AND ARE
 CORRECT TO WITHIN HALF THE CONTOUR INTERVAL
 ONLY VISIBLE SURFACE FEATURES OF UNDERGROUND SERVICES
 HAVE BEEN SHOWN.
 NO REPORT IS MADE ON ANY UNDERGROUND SERVICES
 ON OR ADJACENT TO THE SITE.
 PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON
 THE SITE, THE RELEVANT AUTHORITIES SHOULD BE CONTACTED
 FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES
 AND DETAILED LOCATION OF ALL SERVICES.
 THE TITLE BOUNDARIES AS SHOWN HEREIN WERE NOT MARKED
 AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY
 PLAN DIMENSIONS ONLY & NOT BY FIELD SURVEY.

LEVEL & DETAIL SURVEY

Lots 2 & 3 in DP244652
Bilambil Road - Bilambil

Parish of TERRANORA County of ROUS

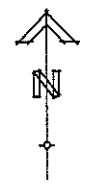
Lot: 15300\15337\Topo\071003S1\16341B.pro

Scale	Level Datum	F.M.	L.M.	Dist. Meters	Ref. No.	Date	Growing No./Size	Rev.
1 : 400	AHD	T15337/ FBI	-	Dw'g	T15337	3/10/2007	16341 B	-

B & P SURVEYS
 CONSULTING SURVEYORS
 30 Barry Street
 Tweed Heads, NSW, 2485, Australia
 Telephone: (07) 5536 3611
 Fax: (07) 5536 3701
 Email: tweed@bpaurveyors.com.au
 Webpage: www.bpaurveyors.com.au
 Offices Also At: Surfers Paradise, Murrumbidgee
 Ph: (07) 55590499 Ph: (02) 66721824



KABORA PTY LTD



HYDRANT NOT FOUND
APPROXIMATE LOCATION OF HYDRANT
AS PER TWEED SHIRE COUNCIL SCHEMATIC
PLAN.

HIGH VOLTAGE POWERLINES
PLOTTED FROM AERIAL PHOTOGRAPHY

PROPOSED EASEMENT FOR TRANSMISSION LINE 40 WIDE

CONCRETE BRIDGE

HOGANS ROAD

IMPORTANT NOTE:



ALL UNDERGROUND SERVICES
SHOULD BE LOCATED ONSITE
BY RELEVANT AUTHORITIES
BEFORE ANY WORK IS COMMENCED.

Important Notes:

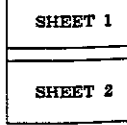
NATURAL SURFACE LEVELS WERE OBTAINED BY AERIAL
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CREEK BOUNDARY WAS DIGITIZED FROM EXISTING CADASTRAL RECORDS
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Legend

- TELSTRA PIT
- ELECTRICITY STAY POLE
- ELECTRICITY POWER POLE
- HYDRANT
- BARBICURE FENCE
- INVERT OF OPEN DRAIN
- UNDERGROUND STORMWATER PIPE
- ABOVE GROUND ELECTRICITY LINE

Sheet Layout



Revision Client: KABORA PTY LTD		Important Notes: (THIS NOTE IS AN INTEGRAL PART OF THIS PLAN) DATE OF SURVEY: 2, 3, 22 & 24/10/2007 CONTOUR INTERVAL: 1.0 m LEVEL DATUM: VIDE SSM 90108 RL 3.758 AHD CONTOURS ARE DERIVED FROM FIELD OBSERVATIONS AND ARE ACCURATE TO WITHIN HALF THE CONTOUR INTERVAL ONLY VISIBLE SURFACE FEATURES OF UNDERGROUND SERVICES HAVE BEEN SHOWN. NO REPORT IS MADE ON ANY UNDERGROUND SERVICES ON OR ADJACENT TO THE SITE. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITIES SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATION OF ALL SERVICES. THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY & NOT BY FIELD SURVEY.		LEVEL & DETAIL SURVEY Lots 2 & 3 in DP244652 Bilambil Road - Bilambil Parish of TERRANORA County of ROUS J:\15300\15337\Topo\07100351\16341B.pro Scale: 1:400 Level Datum: AHD F.Sk: T15337/FBI L.Sk: - Orient: GWS Date: 3/10/2007		B & P SURVEYS CONSULTING SURVEYORS A QUALITY ASSURED COMPANY 30 Geryll Street Tweed Heads NSW 2486, Australia Telephone: (07) 6536 3611 Fax: (07) 6536 3701 Email: tweed@bpausurveys.com.au Webpage: www.bpausurveys.com.au Offices Also At: Surfers Paradise, Mackay, Gold Coast Ph: (07) 55960499 Fax: (02) 66721024	
Drawing No./Site: 16341 B		Ref. No.: T15337		Date: 3/10/2007			

SHEET 2



ANNEXURE C **Department of Planning Letter, Dated 17 March 2008**

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165
Town Planning & Development Consultants

Request for DGEARs
Project No: JAC 08/19 – March 2008

Lots 2 & 3 DP 244652
Urliup Road, Bilambil



NSW GOVERNMENT
Department of Planning

Contact: Nathan Wort
Phone: (02) 9228 6502
Fax: (02) 9228 6540
E-mail: nathan.wort@planning.nsw.gov.au

Monday, 17 March 2008

Our ref: MP 08_034
Your ref:
File: S08/00281-1

Mr John Sherwood
PLATEAU Nominees Pty Ltd
PO Box 1461
Mona Vale NSW 1660

Dear Mr Sherwood,

**52 lot subdivision - Urliup Road, Bilambil (Lots 2 and 3 DP 244652) Tweed Shire LGA.
MP08_034**

I refer to your letter dated 5 February 2008 in which you requested confirmation that your proposal is a Major Project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

I am writing to advise you that the Director General, as a delegate of the Minister, formed the opinion on 7 March 2008 that your proposal is a Project and that Part 3A of the Act applies. Consequently, you may now apply for the approval of the Minister to carry out this Project.

In seeking the Minister's approval, Section 75E of the Act requires you to lodge an application for your Project with the Director General. The application you will lodge with the Director General for the Project must include a completed Application Form, a Preliminary Assessment based on the information contained in this Schedule, and the correct fee. I have enclosed an Application Form with this letter, along with a schedule that identifies what information should be addressed in the Preliminary Assessment and the fees to be paid.

If you have any questions concerning any of the above matters or information required for the Preliminary Assessment, you should contact me during normal business hours on phone number (02) 9228 6502 or via e-mail to nathan.wort@planning.nsw.gov.au.

Yours sincerely

Nathan Wort
Coastal Assessments

17.03.08

cc: Tweed Shire Council

Schedule – Information required at lodgement

Application form	You must complete in full the Application for a Major Project form enclosed.
Preliminary Assessment – Purpose	<p>The purpose of the Preliminary Assessment is to assist the preparation of the Director General's Environmental Assessment Requirements.</p> <p>The purpose of the Preliminary Assessment is to culminate in a summary of the "Key Issues". Key Issues are those matters that if not addressed satisfactorily may lead to refusal of the project.</p>
Preliminary Assessment – Identifying Key Issues	<p>"Key Issues" will emerge from:</p> <ul style="list-style-type: none"> (a) the proponent's consultation with all relevant agencies and groups, and (b) from the proponent's assessment of the proposed project against applicable environmental planning instruments, policies, guidelines and other relevant planning documents. <p>"Key issues" could include, but may not be limited to:</p> <ul style="list-style-type: none"> (a) non-compliances with known relevant planning controls; (b) known community concerns about the development proposed; (c) potential environmental impacts associated with construction, operation, or occupation of a project; (d) likely environmental risks; (e) constraints arising from the peculiarities of a project site. <p>"Key Issues" should not include those aspects of a proposed project that comply with known planning controls; where there are no community concerns or where there are no other contentious matters.</p>
Preliminary Assessment – Information to be addressed	<p>The Preliminary Assessment should include:</p> <ul style="list-style-type: none"> (a) a written and graphical description of the project and any ancillary components, including relevant preliminary plans; (b) the location(s) and a map identifying the site(s)/alignment/corridor; (c) the planning provisions applying to the site and whether the project is permitted under the prevailing EPIs, DCPs, policies, etc, and if the project is inconsistent with such instruments/plans/policies; (d) the views of the other agencies, local council and/or the community if known; (e) an identification of any study or investigations undertaken for the preparation of regional or local strategies that may affect the Project;
Application Fee	\$1000.00, based on set fee for lodgement of a MP application. Outstanding fee's (to be determined) are to be paid at the lodgement of the Environmental Assessment.
Copies of Documentation	10 copies of all documentation lodged (including plans)
Electronic Version of Documents	<p>1 CD in Rich Text Format of all documentation lodged, and 1 CD in PDF format of all documentation lodged, and All plans should be in PDF format.</p> <p>Note: In the event that the documentation exceeds 5 Megabytes, you should contact the liaison officer prior to lodgement. Please be aware that you may be required to prepare a website for your Project.</p>
Acceptance of Application	The Director General will not accept your application until such time as you complete all the information required by this schedule, the accompanying fee, and a completed application form



**ANNEXURE D Tweed Shire Council Development Assessment Panel Minutes, Dated
25 January 2008**

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165
Town Planning & Development Consultants

Request for DGEARs
Project No: JAC 08/19 – March 2008

Lots 2 & 3 DP 244652
Urliup Road, Bilambil

TWEED SHIRE COUNCIL

MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD FRIDAY 25 JANUARY 2008

1. APPOINTMENT:

Addressed By: John Sherwood, Graham Dobinson and Greg Rodgers
Postal Address: 159B Plateau Road, Bilgola Plateau NSW 2107
Present: Messrs Rowena Michel, Acting Co-ordinator Major Development Assessment; Paul Morgan, Planning & Infrastructure Engineer; Ross Cameron, Manager Building & Environmental Health and Simon Harrison (recorder)

Property

Description: Lots 2 & 3 DP 244652 Uriup Road, Bilambil

Land No: 13009 & 13010

Proposal: 50 lot torrens title subdivision

Comments:

Please be advised that Council officers raised significant issues with regard to the physical provision of sewerage infrastructure to service the proposal. See dot point number one under the Engineering comments. It is considered extremely difficult to address these issues thereby limiting the ability of Council support.

1. Planning Comments

Issues:

- The land is zoned 2(d) Village under Tweed LEP 2000 and the proposed development is permissible with consent. The Tweed LEP 2000 is available on Council's website at www.tweed.nsw.gov.au/planningservice/TweedLEP2000.pdf.
- The proponents were advised that the application would be advertised and notified in accordance with the Tweed Shire Development Control Plan – Section A11 – Public Notification of Development Proposals. Any submissions received will be assessed based on the merits of the submission.
- The site is located within the Coastal zone and State Environmental Planning Policy No. 71 applies. The Minister for Planning will be the consent authority. The application will therefore need to be lodged with the Department of Planning and it is recommended that early consultation take place with them.
- Carparking would need to comply with Tweed Shire Development Control Plan – Section A2 - Site Access & Car Parking Code.
- The residential component of the proposal would need to comply with BASIX.
- A copy of the concept plan is attached to the file and the following specific comments were made in relation to that plan:

THIS IS PAGE NO **I** OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL OF THE TWEED SHIRE COUNCIL HELD FRIDAY 25 JANUARY 2008

CHAIRMAN

MEMBER

www.tweed.nsw.gov.au

TWEED SHIRE COUNCIL

MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL HELD FRIDAY 25 JANUARY 2008

- Particular merit issues to be addressed include:-
 - Previous land uses and contamination risks.
 - Bush fire hazard considerations.
 - On site effluent disposal.
- The retail component is not supported at its current scale, further investigation is required.
- The development would need to comply with the provisions of Tweed Shire Development Control Plan - Section A1 - Multi-Dwelling Housing and Tourist Accommodation. The applicant is advised to refer to draft A1 and address non compliance with controls in relation to zero lot, setbacks and garages etc.
- The subdivision plans should include building envelopes.
- Normal Section 94 and Section 64 Contributions would apply.
- Any development application would need to be accompanied by a Statement of Environmental Effects addressing but not limited to the following issues:
 - Historical land uses and contamination risks;
 - Geotechnical stability of the land generally and dwelling sites in particular.
 - Impacts on flora and fauna.
 - Bushfire – the site is in a bushfire hazard area and the application will need to address this issue. The application will also need to be referred to the Rural Fire Service for comment.
- Any proposed signage would need to be shown on the application plans, and would need to comply with DCP A4 and State Environmental Planning Policy No 64.
- The proposed development may need to be referred to the Department of Natural Resources for oyster growing areas in and around Terranora Broadwater.
- The subdivision would need to comply with the provisions of Tweed Shire Development Control Plan – Section A5 – Subdivision Manual.
- The proposal would be referred to TEDC.
- Carparking should be at the rear, or not dominate the street frontage.
- The applicant should investigate the appropriate buffer width from the creek, given environmental constraints.
- Proposed dedication and maintenance of Open Space should be discussed with Grahame Burton (02) 6670 2616)of Council's Recreation Services.

2. Engineering Comments

Issues:

- The sub regional sewer pump station has inadequate capacity for the current loading and is susceptible to overflow into the Terranora Creek Oyster

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Leases area, therefore Council will not accept any additional loading into this pump station.

- an alternative that may not to be supported is to pump from the site to Bilambil Heights which would be energy inefficient and likely to have septicity issues.
- A further alternative is a package treatment plant however it is unlikely effluent disposal could be accommodated to the appropriate standards sludge disposal would also be a problem.

These issues need to be further investigated with Council's sewer infrastructure engineer Mr. Peter Pennycuik (02) 6670 2638).

- Traffic generation from the proposal may exceed the capacity threshold on Kennedy Drive at Cobaki Bridge
- The minimum habitable floor level is 3.8 metres AHD however it is requested that if an application is lodged that the height of the January 2008 flood level be established and the June 2005 event to ensure adequate flood protection.
- Access to the development would need to comply with Council's "Driveway Access to Property Design Specification". An application under Section 138 of the Roads Act will be required to be submitted, prior to issue of the construction certificate, when all required documentation is available, identifying driveway access and proposed levels and grades.
- Paved footpath along Urliup Road to the intersection of Bilambil Road and along Bilambil Road for the frontage of the retail component would be required and should be integrated into a legible pedestrian movement route through the site.
- To maintain the village character curb and gutter would not be required on Hogans Road frontage but will be required for the retail component frontage to Bilambil Road and it is open to the applicant to argue and demonstrate that kerb and gutter is not required on Urliup Road.
- Any public infrastructure works to the site will require submission of plans and approval by Council in accordance with Part V of the Environmental Planning & Assessment Act prior to the issue of a Construction Certificate for the building.
- On site treatment of stormwater runoff would be required prior to discharge into the public system in accordance with Council's "Tweed Urban Stormwater Quality Management Plan" and Development Design Specification D7 – Stormwater Quality (www.tweed.nsw.gov.au/PlanningBuilding/Subdivisions/D7.pdf). An application under Section 68 of the Local Government Act should accompany the development application to identify all site drainage, stormwater quality devices and proposed stormwater outlets and also any required erosion and sedimentation control measures.

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3. Building and Environment Comments

Issues:

- The demolition of existing structures on-site will need development consent. This can be part of the application for this proposal, or a separate development application.
- The Development would need to comply with the Building Code of Australia.
- Compliance with the Disability Discrimination Act would be required.
- Access for disabled on the commercial/retail component of the proposal would need to comply with AS 1428.
- Provision would need to be made on site for storage and collection of waste. Details for collection would need to be determined in conjunction with Solo Waste.
- A Construction Certificate Application would be required for any building works after approval of any Development Application. Approval of any Development Application does not automatically assume compliance with the BCA for the Construction Certificate.
- Contamination report addressing previous site uses is to accompany the Development Application in accordance with Council's Contaminated Land Policy. Suggest matters be pursued with Council's Environmental Health Officers at this stage.
- Arrangements should be made for bushfire issues to be addressed. Discussions should be had with the Rural Fire Service.

4. Conclusion:

It should be noted that Council may not be the consent authority, however should the applicant seek to pursue the proposal, the issues raised above need to be resolved to enable the support by Council.

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



ANNEXURE E Major Project Application Form

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165
Town Planning & Development Consultants

Request for DGEARs
Project No: JAC 08/19 – March 2008

Lots 2 & 3 DP 244652
Urliup Road, Bilambil

Major Project application



NSW GOVERNMENT
Department of Planning

Date received: ____/____/____

Project Application No. _____

1. Before you lodge

This form is required to apply for the approval of the Minister to carry out a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your project.

A Planning Focus Meeting (PFM) may need to be held for this project involving the Department, relevant agencies, council or other groups identified by the Department. If a PFM is held, the Department will issue the Director-General's requirements for the Environmental Assessment following the meeting.

All applications must be lodged with the Director-General, by courier or mail. An electronic copy should also be emailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
DX 10181 Sydney Stock Exchange
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

ABN

Jackson International Pty Ltd

49 000 878 446

Mr Ms Mrs Dr Other

First name

Family name

Position

STREET ADDRESS

Unit/street no.

Street name

Suburb or town

State

Postcode

POSTAL ADDRESS (or mark 'as above')

c/- Plateau Nominees Pty Ltd PO Box 1461

Suburb or town

State

Postcode

Mona Vale

NSW

1660

Daytime telephone

Fax

Mobile

02 9973 2262

02 9973 2152

0414 259156

Email

johnasherwood@optusnet.com.au

3. Identify the land you propose to develop

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Hogans Road, Urliup Road, Bilambil Road

Suburb, town or locality

Bilambil

Postcode

2186

Local government area(s)

Tweed

State electorate(s)

Tweed

REAL PROPERTY DESCRIPTION

Lots 2 and 3 DP 244652

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the project applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR detailed description of land attached.

MAP: A map of the site and locality should also be submitted with this application.

4. Major Project description and other requirements

Provide a brief title for your project.

56 lot subdivision, construction of roads and services and construction of a "retail" building for a convenience store and restaurant.

PROJECT APPROVAL

If you are applying for approval of a project, include in the project title, all significant components for which approval is being sought. If the application relates to part only of a project, the project title should reflect this.

Is the application for approval of a project?

Yes No

Is the application related to part only of a project?

Yes No

CONCEPT PLAN APPROVAL

If you are applying for approval of a concept plan, include in the project title, all components for which approval 'in concept' is being sought. If the application also relates to approval of a project, a description of this should also be included in the project title.

Is the application for approval of a Concept Plan?

Yes No

Is a project application being made concurrently for all or part of the project?

Yes No

You are also required to provide a Project Description and address any matters required by the Director-General in accordance with section 75E or section 75M of the Act. Failure to do so may lead to your application being rejected.

Is a Project Description attached?

Yes No

Does the Project Description include any additional matters required by the Director-General under section 75E or section 75M of the Act?

Yes No

Note: An electronic copy of the project description is also required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the project. The CIV includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding GST and land costs).

\$3.125 million

EQUIVALENT FULL-TIME JOBS

Please indicate the number of jobs created by the project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

29

Operational jobs (full-time equivalent)

15

5. Approvals from State agencies

Does the project require any of the following: (tick all that are appropriate)

- an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- a mining lease under the *Mining Act 1992*
- a production lease under the *Petroleum (Onshore) Act 1991*
- an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- a consent under section 138 of the *Roads Act 1993*
- a licence under the *Pipelines Act 1967*

6. Landowner's consent or notification

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the proponent:

Land

Lots 2 and 3 DP 244652

Signature

Name

Date

Land

Signature

Name

Date

Note: Under clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require the consent of the landowner, however, the proponent is required to give notice of the application:

- in the case of linear infrastructure projects, by notice in a newspaper circulating in the locality prior to the commencement of the public consultation period,
- in the case of mining or petroleum production projects, by notice in a newspaper circulating in the locality within 14 days of this application being made,
- in the case of critical infrastructure projects, to the owner of the land within 14 days of this application being made, and
- in other cases, to the owner of the land at any time before the application is made.

7. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the project and address all matters required by the Director-General pursuant to section 75E and/or section 75M of the Act, and
- apply, subject to satisfying clause 8D of the Environmental Planning and Assessment Regulation, for the Director-General's environmental assessment requirements pursuant to Part 3A of the Act, and
- declare that all information contained within this application is accurate at the time of signing.

Signature

In what capacity are you signing if you are not the proponent

Name

Name, if you are not the proponent

Date