



DARRYL ANDERSON CONSULTING PTY LTD

TOWN PLANNING & DEVELOPMENT CONSULTANTS

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**PREFERRED PROJECT REPORT  
MAJOR PROJECT APPLICATION NO. 08\_0034**

**PROPOSED SUBDIVISION AT LOTS 2 AND 3 DP 244652  
URLIUP ROAD BILAMBIL  
(TWEED LOCAL GOVERNMENT AREA)**

**PREPARED FOR:**

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**DECEMBER 2009**

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## PREFERRED PROJECT REPORT

### PROPOSED RESIDENTIAL SUBDIVISION – MP 08\_0034 URLIUP ROAD, BILAMBIL

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#### 1.0 BACKGROUND

On 13 July 2009 Major Project Application No. 08\_0034 was lodged with the Department of Planning. The Environmental Assessment was publicly exhibited from 24 July 2009 until 24 August 2009.

On 3 September 2009 and 23 September 2009 the Department of Planning forwarded the submissions to Darryl Anderson Consulting together with six key issues raised by the Department. The Department advised that if changes are proposed to the project to minimise its environmental impact, a Preferred Project Report is required together with a revised Statement of Commitments.

This Preferred Project Report addresses the following issues:

- ♦ Description of proposed changes to the exhibited proposal and how these respond to the issues raised.
- ♦ A response to all issues raised by Council, each Agency, the Design Integrity Panel members and the Department, including any request for additional information.
- ♦ A revised Statement of Commitments.
- ♦ Revised technical reports as relevant.
- ♦ Amended plans.

This Preferred Project Report has been prepared following discussions between the Project Manager Mr John Sherwood and Mr Alan Bright and Mr Tom Fitzgerald of the Department of Planning in relation to amended subdivisions layouts, landscaping and density issues. The Departmental Officers accepted the amended Plan of Subdivision at **Annexure A** as satisfactorily addressing the key issues raised by the Department.

#### 2.0 SUMMARY OF MODIFICATIONS

##### 2.1 Amended Subdivision Layout

In response to issues raised by the Department of Planning, Tweed Shire Council and members of the community, in relation to the density of the development; the location of the casual open space and the proposed general store, the project has been amended to:

- ♦ Reduce the total number of lots to 53 including 49 residential lots;
- ♦ Create two open space lots (Lots 51 and 52) and a sewer pump station lot (Lot 53) and a future child care centre site (Lot 50).

The amended layout is shown on the amended Subdivision Layout Plan at **Annexure A**.

##### 2.2 Translocation of *Macadamia Tetraphylla*

The exhibited Environmental Assessment proposed translocation of the *Macadamia Tetraphylla* (Rough Shelled Bush Nut) from its in situ location on the eastern side of the site to the Bilambil Creek foreshore area.

Following consultations with Tweed Shire Council and the Department of Planning, it is now proposed to relocate the plant to the casual open space area being proposed Lot 51. The amended Landscaping Plan at **Annexure B** and the amended Translocation Plan at **Annexure C** further address this issue.

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## 2.3 Bilambil Creek Foreshore

Following consideration of submissions from Tweed Shire Council and the Department of Planning, the casual open space area has been relocated and the whole of the Bilambil Creek foreshore area is now proposed to be rehabilitated (as a riparian buffer) and dedicated to Council as a public reserve. The only exception is the area immediately abutting proposed Lot 1 where there will need to be transitional vegetation to create an asset protection zone.

Details of the proposed rehabilitation are contained in the amended Vegetation Rehabilitation Plan at **Annexure D**.

The amended Flora and Fauna Assessment Report at **Annexure F** also addresses this issue.

It should be noted that there is no Section 94 Contribution Plan in place authorising the imposition of a condition requiring the dedication of the foreshore open space. In the absence of such a Plan, Council could not validly require dedication of this area in the event that this matter was being dealt with by way of a Development Application. However, it is understood that these provisions do not apply to a Major Project Application but nevertheless the fundamental principles relating to dedication of land, particularly in relation to spatial, causal and temporal nexus are considered to apply.

Given that dedication of the foreshore reserve significantly reduces the lot yield from the site and incurs significant costs in terms of embellishment, it is submitted that a credit for the value of the land and embellishment works should be applied against the structured open space contribution which would otherwise be payable.

The Department is requested to acknowledge this arrangement and structure any approval accordingly.

## 2.4 Proposed Child Care Centre Site

The exhibited Environmental Assessment proposed a general store and Manager's residence on proposed Lot 53 located adjacent to the Bilambil Hall.

Following consideration of issues raised by the community and the commercial viability of the general store, this Preferred Project Report proposes a child care centre on this lot (now Lot 50) in lieu of the general store.

**Annexure F** comprises a Conceptual Layout Plan showing how a child care centre could be established on Lot 50.

It should be noted that this Major Project Application does not seek approval for the child care centre. A separate Development Application for the centre will be lodged in due course following approval of the Major Project Application.

## 3.0 RESPONSE TO SUBMISSIONS FROM STATE AGENCIES

AGENCY RESPONSE	COMMENT
<p><b>DEPARTMENT OF PLANNING – 23 September 2009</b></p> <p>I refer to your lodgement on 3 June 2009 of an Environmental Assessment (EA) for the above Project. The EA was deemed adequate on 19 June 2009 and publicly exhibited between 24 July and 24 August 2009.</p>	

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AGENCY RESPONSE	COMMENT
<p>The Department has reviewed the EA and has raised issues in relation to subdivision density, sewerage, flooding, stormwater, buffer width, archaeological and cultural heritage, flooding, proposed retail use, and socio-economic impacts. Details are provided at <b>Attachment 1</b>. In accordance with section 75H(5) of the Environmental Planning and Assessment Act 1979 (the Act), further public submissions received by the Director-General up until 7 September 2009 are provided at <b>Attachment 2</b>. Please also find enclosed a copy of the submission from the Northern Rivers Catchment Management Authority and Tweed Shire Council (refer to Attachment 3). Please note the additional matters raised by Council at its meeting on 15 September 2009.</p> <p>The Director-General, pursuant to s75H(6) of the Act, requires a response to the issues raised in all submissions provided. A preferred project report is to be prepared if changes are proposed to minimise the environmental impact of the project. A revised statement of commitments should also be submitted. In the interests of progressing the application, please advise the Department of an approximate date for when you may submit a response to the issues raised in submissions.</p> <p>Please note that the DGRs dated 28 April 2008, state the 'Deemed Refusal' period to be 60 days, which will commence once the Department is satisfied with the response to submissions.</p> <p>If you have any queries regarding this letter, please contact Tom FitzGerald using the above details.</p>	
<p><b>ATTACHMENT 1 – Department of Planning Issues 08_0034</b></p>	
<p><b>NB. Please note that Tweed Shire Council have been contracted to undertake the assessment of subdivision design and layout (including open space), stormwater management, wastewater management, transport (including roads), and earthworks/geotechnical issues.</b></p> <p><b>1. Subdivision density, design and layout</b></p> <p>a. Whilst allowable under the current zoning, the Department has concerns over the impact of the density of the proposed subdivision on the rural village character of Bilambil village. Land use in adjacent areas typically consists of larger lot areas providing more open space, variability of design and enhanced landscaping that add positively to the character of the existing village. Consideration should be given to the interface of the development with the surrounding village and how the proposed subdivision layout could provide a transition in density between the existing and proposed development. This could be achieved by reducing the density of allotments on the perimeter of the development with density building towards the centre of the subdivision.</p> <p>b. Lots 12 - 29 on the <u>western</u> side of the site use a series of access easements that create the effect of 'battle axe' lots and reduce the attractiveness of the streetscape on the internal road. Consideration should be given to modify the design and layout of these lots (and dwellings proposed) to improve streetscape on both Bilambil Road and the internal road and to enhance the overall village character of Bilambil.</p>	<p>The amended Subdivision Layout Plans at <b>Annexure A</b> have been prepared to address the Department's concerns. Departmental Officers have accepted the amended layouts.</p>
<p><b>2. Sewerage</b></p> <p>a. Provision (or commitment) should be made for the community hall and other dwellings or buildings in the village to connect to the sewerage system. This would contribute to the issue of septic tanks in the area potentially contributing to poor water quality, and allow for the village to develop to its full potential.</p> <p>b. No assessment of the proposed route for sewerage has been provided. This should be provided in order for the Department to fully assess the impact of the entire proposal.</p>	<p>This issue is addressed in the amended Civil Engineering Report (CLA Consultants, 25 November 2009, Revision G) at <b>Annexure G</b>. Council's Development Engineer Mr Mick Denny has been consulted in relation to this issue and his email response dated 20 November 2009 is included in <b>Annexure G</b>. In summary, Mr Denny concurs with the CLA Consultants' response.</p>

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AGENCY RESPONSE	COMMENT
c. Will the proposed location of the sewer pump station increase the risk of septic spill during times of flood?	
<p><b>3. Riparian Management Zone width</b></p> <p>a. In order to increase the effectiveness of the buffer proposed, consider removing the allocation of area for open space/playground equipment from the north-west corner of Riparian Management Zone (RMZ) (Lot 54) to achieve a consistently vegetated buffer width along the margins of the Creek. This will contribute to providing for better outcomes for water quality and habitat in the Bilambil Creek receiving environment.</p>	<p>As indicated on the amended Subdivision Layout Plan at <b>Annexure A</b>, the open space/playground area has been relocated. The whole of the riparian zone will be dedicated as a public reserve and rehabilitated (see <b>Annexure D</b>). The only exception is the area immediately abutting proposed Lot 1 which will contain transitional vegetation to provide an asset protection zone.</p>
<p><b>4. Flooding</b></p> <p>a. Provide a detailed flood study accounting for the effects of increased flooding due to climate change. Please also assess (and mitigate if necessary) the impacts the proposed development will have during flood conditions to properties downstream. As current flood conditions are prolonged (or otherwise affected) by tides, this flood study must also include an assessment of the impact of tides on flooding, and an assessment of the changes expected to flood behaviour within the catchment as a result of the proposed development.</p>	<p>This issue is addressed in the amended Civil Engineering Report (CLA Consultants, 25 November 2009, Revision G) at <b>Annexure G</b>. Council's Development Engineer Mr Mick Denny has been consulted in relation to this issue and his email response dated 20 November 2009 is included in <b>Annexure G</b>. In summary, Mr Denny concurs with the CLA Consultants' response.</p>
<p><b>5. Stormwater</b></p> <p>a. Provide design detail of the stormwater outfall structure and the treatment devices proposed (not including a stormwater detention pond). Ensure that the outfall structure does not adversely impact upon the functioning of the Riparian Management Zone. An appropriately vegetated buffer and stormwater treatment devices will contribute positively to water quality resulting from any development.</p> <p>b. Stormwater must be treated to sufficient quality before it is discharged directly to Bilambil Creek - an already stressed ecosystem. Provide an ecological assessment of the effects of the stormwater discharge into the Bilambil Creek receiving environment (including, but not limited, to Impacts on Creek banks, water quality and flow, and impacts on the RMZ). This is particularly critical given the reduced buffer width proposed, and the inclusion of the road and open space within the RMZ.</p>	<p>This issue is addressed in the amended Civil Engineering Report (CLA Consultants, 25 November 2009, Revision G) at <b>Annexure G</b>. Council's Development Engineer Mr Mick Denny has been consulted in relation to this issue and his email response dated 20 November 2009 is included in <b>Annexure G</b>. In summary, Mr Denny concurs with the CLA Consultants' response.</p>
<p><b>6. Archaeological Investigations</b></p> <p>a. Field Investigations and consultation with the Aboriginal community must be undertaken and results provided as part of the response to submissions (refer to submission from DECCW for further information regarding this).</p>	<p>This issue is addressed in the email attached at <b>Annexure H</b>. In summary, Mr Ian Fox and the Tweed Byron Local Aboriginal Land Council have confirmed that there are no site references or cultural information listed in the Bundjalung Mapping Project and a site inspection confirmed that there are no cultural heritage issues.</p>
<b>RURAL FIRE SERVICE – 17 August 2009</b>	
<p>I refer to your letter dated 16 July 2009 seeking a review of the bush fire protection measures for the above development in accordance with section 75F (4) of the Environmental Planning and Assessment Act 1979.</p> <p>The NSW Rural Fire Service (RFS) has reviewed the environmental assessment and provides the following additional advice:</p> <ol style="list-style-type: none"> <li>1. The RFS generally supports the subdivision lot layout.</li> <li>2. Asset protection zones (APZs) required for the riparian enhancement zone can be achieved within the road reserve and within the park adjoining the southern boundary of proposed Lot 1 as shown on the Vegetation Rehabilitation Plan.</li> <li>3. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.</li> </ol>	<p>The Rural Fire Service advised that it generally supports the subdivision lot layout accompanying the exhibited Environmental Assessment. However the amended layout removes the embellished open space/playground area adjacent to Lot 1. This area acts as an asset protection zone to Lot 1.</p> <p>Accordingly, the amended Vegetation Rehabilitation Plan at <b>Annexure G</b> provides for an asset protection zone adjacent to Lot 1 comprising an inner protection area of 10m comprising managed grasslands and scattered trees and an outer protection area of 10m comprising denser plantings.</p> <p>Given Council's insistence that the playground cannot be located in the riparian buffer and the significant reduction in lot yield that has resulted from various other requirements of Council and State Agencies, particularly the need for a 50m buffer to Bilambil Creek, the proposed asset protection zone arrangements are considered to be reasonable and justified.</p>

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AGENCY RESPONSE	COMMENT
4. New public road access (internal) shall comply with section 4.1.3 (1) of Planning for Bush Fire Protection 2006.	The road designs comply.
<b>ROADS AND TRAFFIC AUTHORITY – 21 August 2009</b>	
<p>I refer to your letter dated 16 July 2009 concerning the request for provision of details of key issues and assessment requirements for a major project application 08-0034.</p> <p>The Roads and Traffic Authority (RTA) advises that the roads affected by this proposal are local road's, under the care and control of Tweed Shire Council. Therefore, this application should be referred to Council for key issues and assessment requirements.</p> <p>For any further information please contact Michael Baldwin (Development Assessment Officer) on 02 6640 1300 or by email at land_use_northern@rta.nsw.gov.au.</p>	<p>The Roads and Traffic Authority recommend that the application be referred to the Council for comments. Council's comments are addressed in the amended Civil Engineering Report at <b>Annexure G</b> and the Transport Impact Assessment at <b>Annexure 21</b> of the Environmental Assessment.</p>
<b>DECCW – 24 August 2009</b>	
<p>I refer to the Project Application, Environmental Assessment, and accompanying information provided for the proposed Residential Subdivision at Uriup, Bilambil and Hogans Road, Bilambil Village NSW received by the Department of Environment, Climate Change and Water (DECCW) on 17 July 2009.</p> <p>DECCW has reviewed the information provided and is able to support the proposal in general. However, there are some specific issues of concern and DECCW requests that the Department of Planning (DoP) gives further consideration to these matters.</p> <p>In relation to biodiversity conservation, DECCW recommends a minimum buffer distance (riparian vegetation) of 50 metres from the edge of the perimeter road to Bilambil Creek. Due to the increased level of pollutant runoff from hard surfaces and the increased velocity and quantity of surface runoff, the perimeter road should be provided outside of the 50 metre buffer, not inside as is currently proposed. Further comments on this issue are provided in Attachment 1.</p> <p>DECCW is unable to provide comment on the significance of the proposal on Aboriginal cultural heritage because no field surveys appear to have been conducted to confirm the accuracy of the archaeological model and no evidence has been provided from the Aboriginal community in relation to cultural matters. Consequently the precautionary Conditions of Approval detailed in Attachment 2 are recommended for consideration.</p>	
<b><u>Attachment 1</u></b>	
<b>Summary of Key Issues: Biodiversity Conservation</b>	
<b>Issue: Buffer to Bilambil Creek</b>	
<p>DECCW offers the following advice to assist Department of Planning in determining appropriate buffer widths for the proposed development.</p> <p>The Coffs Harbour City Council conducted a Local Environment Plan Review (April-October 1996) undertaken by nine individuals from relevant government agencies (including DECC) to resolve common natural resource management issues in the Coffs Harbour region in the Local Environmental Plan review process. This review included a preferred minimum requirement for buffer widths to avoid inconsistency between different State agencies, poor understanding of what physically constitutes an effective buffer and the current wide variation in the standard of implementation and maintenance. For Environmentally Sensitive Areas (ESAs) this LEP review process identified a minimum buffer of 50 metres to development areas.</p>	<p>The DECC contend that the perimeter road should be outside the 50m buffer to Bilambil Creek. This issue is addressed in Section 9.3 of the Environmental Assessment in the following terms:</p> <p>"The catchment is in excess of 500ha. The original layout referred to the Department proposed a nominal 20m revegetated buffer as conditionally agreed to by Tweed Shire Council. However, in view of the comments by the Department relating to riparian buffer widths an amended layout showing a 50m buffer, including a 15m perimeter road, was emailed to the Department on 20 January 2009.</p>

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AGENCY RESPONSE	COMMENT
<p>An ESA is defined in the LEP Review as; "areas that contains native vegetation, fauna habitats and / or refuges (terrestrial, freshwater, estuarine and marine) which are significant in a local, regional or state context and are most susceptible to unacceptable levels of modification from direct or indirect impacts by neighbouring landuses".</p> <p>DECCW recognises that buffer widths may be varied depending on individual circumstances. However, the type of research required to adequately assess an environmental buffer width involves long-term monitoring and wide sampling and is therefore considered not practical in the majority of cases. It is therefore considered appropriate to set a standard minimum environmental buffer width.</p> <p>It is well documented in literature that development adjacent to ESAs results in an adverse impact on the ecological functioning and biological diversity of natural areas. With regard to terrestrial vegetation, Murcia (1995) identified that most edge effects were reported to have disappeared within 50 metres of the remnant edge.</p> <p>The NSW Department of Primary Industries (DPI) has provided recommended buffer widths based on the recommendations of the North Coast Land Use Conflict Working Group following a synthesis of existing policy and guidelines in November 2008. For residential areas and urban development DPI recommends a 50 metre buffer to native vegetation/habitat and ecosystem and wildlife corridors. For estuaries and major waterways DPI recommends a 100 metre buffer from residential and urban development.</p> <p>A perimeter road is also recommended to minimise the above mentioned impacts. However, due to the increased level of pollutant runoff from hard surfaces and the increased velocity and quantity of surface runoff, a perimeter road should be provided outside of a 50 metre buffer.</p>	<p>On 2 February 2009 the Department responded by email. In summary, the Department advised that the revised buffer proposal is more suitable than the original but it is still less than the DECC recommended configuration of a 50m vegetated buffer. However the DECC believes it is preferable to locate the perimeter road outside of the recommended 50m buffer.</p> <p>In addition the Department advised that if the proponent prefers to retain the currently proposed buffer configuration, we recommend that the Environmental Assessment (EA) include a justification for that, including information to address the issues raised in the above.</p> <p>It is acknowledged that the amended layout does not provide for a 50m vegetated buffer, however to do so would significantly reduce yields to the point where development of the site would not be feasible. Given that there is no Section 94 Contribution Plan authorising or requiring the dedication of a foreshore buffer and having regard to the circumstances outlined in the Vegetation Rehabilitation Plan and the Flora and Fauna Assessment, it is submitted that a 35m vegetated buffer will satisfactorily achieve the objectives of protecting riparian vegetation, bank stability and water quality within Bilambil Creek.</p> <p>Water quality and stormwater management are addressed in <b>Annexure G</b>. In summary, urban runoff will be appropriately managed to ensure that water quality objectives for Bilambil Creek are achieved.</p> <p>As indicated in the amended Civil Engineering Report at <b>Annexure G</b>, stormwater runoff from the proposed perimeter road will be managed and treated prior to discharging to Bilambil Creek.</p> <p>It is emphasised that the requirement to provide a 50m rehabilitated buffer excluding the road would result in the loss of a further 6 lots approximately which would render the project unviable.</p> <p>In this case, the highly degraded site would remain and uncontrolled runoff would continue to discharge pollutants to Bilambil Creek.</p> <p>Given that the whole site is zoned for residential development and the 50m buffer requirement is arbitrary and onerous in the circumstances of this case, we submit that the proposed 35m rehabilitated buffer is reasonable and appropriate. We note that other relevant State Agencies generally support the proposed 35m vegetated buffer.</p>
<p><b>Attachment 2</b></p>	
<p><b>Issue: Aboriginal Community Consultation</b></p> <ol style="list-style-type: none"> <li>1. DECCW notes that consultation with the Aboriginal community has been conducted in accordance with the guidelines referred to in the DGRs. However, the complete absence of any response from the community means DECCW is unable to comment on the cultural significance of the area. As noted in the EA, this assessment is a matter that only the Aboriginal community can address.</li> <li>2. It is noted that the AHIMS database and the Bundjalung Mapping Project did not identify any Aboriginal sites within this area and that the consultants archaeological model concludes that the area is likely to be of low archaeological potential. However, DECCW notes that no field survey involving the Aboriginal community has been conducted to support this conclusion. Given the absence of any field survey effort and the lack of data to calibrate the model DECCW recommends that a brief survey involving the Aboriginal community be "conducted along the slopes adjacent to the Bilambil Creek riparian zone to confirm the absence of any Aboriginal sites in that vicinity.</li> </ol>	<p>This issue is addressed in the response to the Department of Planning submission and <b>Annexure H</b>. It is considered that the measures contained in the revised Statement of Commitments at <b>Annexure J</b> adequately address relevant issues raised by the DECC.</p>

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AGENCY RESPONSE	COMMENT
<p>3. The CHA provides a good general literature review of the importance of the Tweed area to the Aboriginal community but little in the way of site specific discussion beyond the acknowledgment that the more elevated sections of the site are highly disturbed by a disused quarry and are weed infested.</p> <p>4. The Statements of Commitment appear to be adequate with the exception of 14.1.1 relating to the need for additional field assessment as discussed above.</p>	
<p><b>Recommended Conditions of Approval in relation to the protection of Aboriginal cultural heritage values</b></p> <p>1. A brief one day cultural heritage survey involving representatives from the local Aboriginal community is to be conducted along the slopes of the Bilambil Creek on the western boundary of the proposal to assess the sites Aboriginal cultural values and to obtain a more definitive view from the community about the cultural heritage significance of the site.</p> <p>2. In the event that Aboriginal objects or cultural matters of significance are identified as a result of the survey, above, appropriate mitigation measures are to be agreed with the Aboriginal community and the subdivision layout amended if necessary with the approval of the DoP. 1</p> <p>Note: The applicant is reminded that a Section 90 Aboriginal Heritage Impact Permit under the <i>National Parks and Wildlife Act 1974</i> must be obtained from the DECCW if any Aboriginal objects are to be salvaged, moved, disturbed or destroyed.</p> <p>3. In the event that human remains are located during the project, a protocol to halt all works in the immediate area should be followed to prevent any further impacts to the find or finds. The local police and DECCW are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site is not an investigation site for criminal activities, DECCW is to be contacted and notified of the situation. Works are not to resume in the designated area until approval in writing from the Police and DECC.</p> <p>4. In the event that Aboriginal objects are located during the project, a protocol to ascertain the value of such finds, in consultation with the Aboriginal community representatives and a qualified archaeologist should be implemented and used to inform any management decision.</p> <p>5. DECCW should be informed of any finds (including isolated artefacts) using the appropriate DECCW site recording cards. Furthermore, any objects located should be registered on the Aboriginal Heritage Information Management System (AHIMS). AHIMS contact details: Phone: (02) 9585 6470, address: Level 6, 43 Bridge Street, Hurstville, NSW, 2220, e-mail: ahims@environment.nsw.gov.au.</p>	
<p><b>NSW INDUSTRY AND INVESTMENT (FISHERIES) – 14 August 2009</b></p> <p>Thank you for your letter of 16 July 2009 inviting the former agency, NSW Department of Primary Industries (DPI), to provide a submission on the abovementioned Environmental Assessment.</p> <p>The NSW Department of Primary Industries which was formed by the merger of NSW Fisheries, Department of Mineral Resources, State Forests and NSW Agriculture has been included in the new Department of Industry and Investment (NSW DII – trading as Industry and Investment NSW).</p> <p>NSW DII has both statutory and advisory responsibilities in relation to development and land use planning matters. The Department is an advocate of sustainable development and profitable and sustainable primary industries through appropriate access to and wise management of natural resources.</p>	<p>In summary, NSW Industry and Investment raises no objections to the proposal subject to the adoption of best management sediment and erosion control measures as outlined in Soil and Construction Volume 1, 4<sup>th</sup> Edition (The Blue Book) during the landforming and construction required for development of the proposal.</p> <p>The Civil Engineering Report at <b>Annexure G</b> addresses stormwater management during both the construction and operational phases in detail and these arrangements are generally acceptable to Tweed Shire Council.</p>

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AGENCY RESPONSE	COMMENT
<p>NSW DII through its partner agency, Forests NSW, also has a commercial and operational interest in land use planning matters. The abovementioned matter is of interest to Agriculture and Fisheries Branches within NSW DII.</p>	
<p>Agricultural issues</p> <p>There are no significant or notable agricultural issues arising with respect to this proposed development. The site is 4.7 ha and is zoned 2(d) Village. The subject land comprises disturbed rural lands and some fill has been placed on the land. The proposed 40-50 m buffer to agricultural lands is deemed reasonable and acceptable in the circumstances. The proposed open space, riparian landscaping and relative location of the road will all contribute to separating residential development and agricultural lands. Bilambil Dip located immediately north of the subject land is about 50 m distant and is separated from this development by other development and is not expected to create issues for this subdivision.</p>	
<p>Fisheries issues</p> <p>NSW DII notes that the Environmental Assessment proposes connecting the subdivision to Council's existing sewer infrastructure and dedication of a foreshore reserve (lot 54) incorporating a 35 metre vegetated buffer to Bilambil Creek.</p> <p>Adoption of these modifications will reduce the impact of the proposed subdivision on key fish habitats. Furthermore NSW DII has no objection to the Amended Vegetation Rehabilitation Plan May 2009 accompanying the EA and is generally satisfied with the statement of commitments proposed in the EA.</p> <p>Those points made, it is stressed that the proponent will need to adopt best management sediment and erosion control measures as outlined in Soil and Construction Vol 1 4th edition ("The Blue Book") during the landforming and construction required for development of the proposal.</p> <p>For further enquiries regarding fisheries issues please contact Fisheries Conservation Manager, Patrick Dwyer on (02) 6626 1397.</p>	
<p><b>CATCHMENT MANAGEMENT AUTHORITY – 8 September 2009</b></p> <p>Thank you for your letter of 16 July 2009, apologies for our delay in response. Further to our initial submission on the development dated 28 July 2008, the applicant appears to have addressed our concern in relation to any buffer between an urban development and adjacent grazing.</p> <p>The Northern Rivers Catchment Management Authority recommends that the Department of Environment, Climate Change and Water (Murwillumbah office 66767 380) be consulted in relation to the specific riparian vegetation found on Bilambil Ck and specifically, the specific species location on the banks.</p> <p>There are no further comments.</p> <p>If you have any queries regarding this matter, please contact Peter Boyd, Catchment Coordinator, on 66767 393 or via e-mail at peter.boyd@cma.nsw.au.</p>	<p>The Authority has no objections to the proposal.</p>
<p><b>LAND AND PROPERTY MANAGEMENT AUTHORITY – 18 August 2009</b></p> <p>I refer to your letter dated 16 July 2009 inviting a submission from the Department of Lands (now the Land and Property Management Authority or LPMA) on the abovementioned major project application and accompanying environmental assessment (EA), as lodged by Jackson International Pty Ltd (the Proponent). Thank you for providing an opportunity to submit comments.</p> <p>The LPMA does not object in principle to the proposed development but would like to submit the following comments and requests for clarification in relation to the major project application.</p>	<p>The LPMA has no objections in principle to the project but has raised the following issues</p>

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AGENCY RESPONSE	COMMENT
<p>Crown lands</p> <ul style="list-style-type: none"> <li>Recent land title investigations by the LPMA reveal Bilambil Creek where it adjoins the Subject Site (combined lots 2 and 3 DP244652) along its south western boundary is -not a Crown non-tidal waterway as previously advised. It appears the registered titleholder possesses title to the middle thread of the Creek (that is, titles <i>ad medium filum aquae</i> apply). As such, the Proponent will not be required to apply for a tenure under the <i>Crown-Lands Act 1989</i> to occupy the bed of the Creek (for example, to install stormwater infrastructure).</li> <li>The southern bank of Bilambil Creek, across Hogan's Road, is a Crown public road. This road is indicated on Figure 1. With respect to the road, please ensure the Proponent does not: <ul style="list-style-type: none"> <li>encroach upon the road;</li> <li>remove any vegetation from the road; or</li> <li>stockpile any materials or store any equipment, machinery or plant on the road.</li> </ul> </li> </ul>	<p>The amended Subdivision Layout Plan at <b>Annexure A</b> shows the middle thread of Bilambil Creek as the property boundary.</p> <p>No development is proposed on this road.</p>
<p>Buffer to Bilambil Creek</p> <ul style="list-style-type: none"> <li>As per the e-mail from the LPMA to the Proponent dated 2 February 2009, whilst the Authority continues to support a 50m-wide vegetated buffer to Bilambil Creek, the proposal to establish a 50m-wide total buffer incorporating a 15m-wide road reserve and a 35m-wide revegetation zone is considered an acceptable compromise for the purposes of the proposed development.</li> <li>It remains unclear as to whether a pedestrian pathway will be constructed in the revegetation zone of the buffer or within the road reserve. The 'Amended Vegetation Rehabilitation Plan' (VRP) (Annexure 16) indicates the 2m-wide pathway will be located within the road reserve. However, the 'Illustrative Masterplan' (Annexure 10) suggests the pathway will be located within the revegetation zone. Given the abovementioned compromise, the LPMA supports the placement of the pathway within the road reserve.</li> <li>In the e-mail dated 20 January 2009 from Darryl Anderson (Annexure 29), it is stated, with respect to the "Embellished Casual Open Space". That part of the casual open space within say 15m of the Creek could be densely revegetated with appropriate rainforest species and the remainder of the area would be largely grassed with scattered landscape plantings and appropriate playground equipment'. Given the playground equipment will now be relocated to the Bilambil Sportsground (as per Draft Commitment 16.1.1), it is strongly suggested dense revegetation occur within 20m of the Creek as per Tweed Shire Council's (TSC's) original understanding (that is, that ". . . the whole 20m width along the extent of creek adjoining the development would be densely planted with local native species suitable to the site" (Annexure 24)).</li> <li>The VRP does not appear to encompass that section of the "Easement for Transmission Line" lying between Bilambil Creek and the road reserve. Similarly, the 'Landscape Concept Plan' (Annexure 8) does not detail what is proposed in terms of weed control and revegetation in this area. The LPMA recommends capturing the area under the weed control provisions of the VRP and establishing within it indigenous species appropriate for planting under suspended powerlines.</li> <li>It is recommended the "Riparian Management Zone" referred to in the VRP be fenced to manage uncontrolled pedestrian access to Bilambil Creek and to prevent such current and future unauthorised activities as the dumping of household and garden wastes.</li> </ul>	<p>No pedestrian pathway is proposed within the 35m corridor. The pathway will be provided within the road reserve.</p> <p>The casual open space/playground area has been relocated and the buffer will be rehabilitated.</p> <p>The Vegetation Rehabilitation Plan and Landscaping Plan do not extend to under the power lines because of limitations imposed by Country Energy.</p> <p>Vegetation management within the transmission line easement will be the responsibility of Country Energy.</p>

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AGENCY RESPONSE	COMMENT
<ul style="list-style-type: none"> <li>Even though the VRP states TSC will assume ownership of the "Riparian Management Zone" upon registration of the plan of subdivision, it is assumed the entirety of the Bilambil Creek foreshore area (that is, the future Lot 54) will be presented to TSC for dedication as a public reserve. The LPMA strongly supports such an action but notes Council has yet to agree to a dedication.</li> </ul>	<p>The whole of the buffer will be dedicated to Tweed Shire Council as a public reserve.</p>
<p>Vegetation Rehabilitation Plan</p> <ul style="list-style-type: none"> <li>It is recommended the VRP incorporate scoped and appropriate performance requirements for rehabilitation (for example, in relation to the diversity and density of plantings, seedling survival and growth rates, cumulative crown coverages, and the abundance and diversity of weed species) referenced to appropriate benchmarks (such as comparable, undisturbed vegetation communities).</li> <li>It is similarly recommended the VRP specify appropriate trigger values for intervention or corrective actions, referenced to the aforementioned performance requirements.</li> </ul>	<p>The amended Vegetation Rehabilitation Plan at <b>Annexure D</b> addresses these issues.</p>
<p>General Weed Control</p> <ul style="list-style-type: none"> <li>The 'Landscape Concept Plan' indicates a patch of "Existing Camphor Laurels to remain", in the north western sector of Lot 3. These trees are apparently growing along Urliup Road, a Council public road. Given the proximity of these trees to the proposed "Riparian Management Zone", which will be subjected to intensive weed control operations, the LPMA suggests the Proponent negotiate with TSC a concurrent program of removal and staged infilling with appropriate native species (akin to what is proposed along Bilambil Road, also a Council public road).</li> </ul>	<p>Existing trees adjacent to Urliup road will be retained where possible to provide a visual buffer and retain the current streetscape (see <b>Annexure B</b>).</p>
<p>Stormwater Management</p> <ul style="list-style-type: none"> <li>It is understood Bilambil Creek has been nominated as the appropriate legal point of discharge for stormwater.</li> <li>According to the 'Civil Engineering Matters' report (Annexure 19): "Tweed Shire Council has advised that the development does not trigger requirements for water quality improvement devices, in that the development does not have more than 50 allotments". However Drawing 08418-002 'General Arrangement', suggests proprietary gross pollutant traps (GPTs) (Humeceptor™ or similar) will be installed at strategic locations.</li> <li>Following on from this, according to the 'Amended Flora and Fauna Assessment', the proposed development has the potential to impact upon Bilambil Creek, Cobaki Broadwater and associated wetland communities insofar as: "Stormwater runoff ... may cause an increase in sediment, dissolved salts and general urban pollution and rubbish". The rehabilitation of vegetation along Bilambil Creek and a proposed "... drainage reserve and retention pond located in the south west of the site ...", suitably designed, were nominated as appropriate measures to ameliorate these and other adverse effects. A retention pond is referenced throughout the EA, but its location is not indicated on any plans.</li> </ul> <p>It is therefore assumed it is no longer being considered. Given this and the acknowledged environmental sensitivity of proximate aquatic systems (as well as the commercial and social importance of Cobaki Broadwater), the LPMA does not support the discharge of untreated stormwater into Bilambil Creek, and recommends appropriate water quality improvement devices capable of intercepting the range of pollutants likely to emanate from the subject site, at its ultimate developmental end-point, actually be installed and maintained.</p>	<p>Issues relating to stormwater management and services are addressed in response to the Department of Planning comments.</p>

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AGENCY RESPONSE	COMMENT
<ul style="list-style-type: none"> <li>♦ It is understood the Subject Site will be reshaped through cutting and filling. According to the 'Civil Engineering Matters' report: "In accordance with accepted practice, the potential flood storage volume lost as a result of the filling is replaced by compensatory excavation associated with the construction of the detention pond'. As per previous comments, the location of the detention pond has not been indicated on any plans, and it is assumed it is no longer required. It is therefore unclear as to how the flood storage volume lost through filling will ultimately be accounted for.</li> <li>♦ The EA does not appear to provide any details in relation to the actual point of discharge into Bilambil Creek (such as the extent of the required structures, the amount of vegetation to be cleared, and the level of bank and bed disturbance anticipated). It is recommended the EA be expanded to include such details.</li> </ul>	
<p>Sewerage Services</p> <ul style="list-style-type: none"> <li>♦ It is understood the proposed development will also include the construction of a sewer rising main (SRM) from the proposed pump station on the corner of Hogan's and Bilambil roads to Sewer Pump Station No. 2018 in Gollan Drive, Tweed Heads West. Two alternate RSM routes are currently being considered (the final route depends on the outcomes of the TSC 'Sewer Network Analysis'):</li> </ul> <ol style="list-style-type: none"> <li>1. Via Bilambil Road, Scenic Drive and Gollan Drive (as Indicated on the 'Rising Main Alignment' plan attached to the 'Civil Engineering Matters' report) (Alternate Route 1).</li> <li>2. Via Bilambil Road to Bilambil Heights, thence via an as-to-be-determined route to Sewer Pump Station No. 2038 at the northern end of Peninsular Drive, and thereafter via the foreshore of Terranora Broadwater parallel to Council's existing 300mm SRM to the northern end of Scenic Drive and into Gollan Drive (Alternate Route 2).</li> </ol> <ul style="list-style-type: none"> <li>♦ Alternate Route 1 traverses Council and Crown public roads (Gollan Drive). Detailed plans to be provided to TSC as part of the construction certificate application process should include a full assessment of the aspects and impacts of the SRM on these roads (as would normally have been the case under an all-encompassing Environmental Assessment process). The LPMA may be prepared to consent to the works associated with the RSM along Gollan Drive providing: <ul style="list-style-type: none"> <li>- the scope of EA is extended to encompass Gollan Drive; and</li> <li>- the EA concludes the proposed works (accounting for all ameliorative measures) will not have a significant impact on the environmental values of the road; and</li> <li>- Gollan Drive is transferred to TSC as a Council public road prior to any works commencing on the road (that is, prior to a Construction Certificate being issued for the works).</li> </ul> </li> <li>♦ In addition to Gollan Drive, Alternate Route 2 may affect other Crown lands, including: <ul style="list-style-type: none"> <li>- Crown Reserve No. 1002955 for Public Recreation notified 29 September 2000 and Crown Reserve No. 1012191 (Tweed Coast Regional Crown Reserve) for Access and Public Requirements, Rural Services, Tourism Purposes and Environmental and Heritage Conservation notified 25 August 2006. TSC is the appointed corporate manager of the Terranora Broadwater Foreshore (R1002955) Reserve Trust, charged with the care, control and management of the Reserve.</li> <li>- Crown public road extending north from the end of Broadwater Esplanade.</li> </ul> </li> </ul>	

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<ul style="list-style-type: none"> <li>If such lands are ultimately affected, detailed plans to be provided to TSC as part of the construction certificate application process must also be provided to the LPMA and must include a full assessment of the aspects and impacts of the SRM as they apply to the Crown lands.</li> <li>LPMA consent to the construction of the RSM on Crown lands along Alternate Route No. 2 is reserved until the exact location and details of all anticipated aspects and impacts can be provided.</li> </ul>	
<p>Threatened species</p> <ul style="list-style-type: none"> <li>The LPMA supports the Proponent's intention to translocate the threatened individual of <i>Macadamia tetraphylla</i> and acknowledges the 'Amended Translocation Plan for <i>Macadamia tetraphylla</i>' (TP) calls for the establishment of at least 2-3 additional propagated plants in the translocation area. In light of suggestions small populations of the species may be affected by inbreeding depression, the LPMA recommends establishing as large a number of individuals in the "Riparian Management Zone" as practicable.</li> <li>The LPMA does not recommend drawing attention to the translocation area with specific signage and fencing, as this may place the translocated and planted individuals at increased risk of damage, destruction and unauthorised collection.</li> <li>It is suggested on Page 13 of the TP: "The risk of fire will be reduced through the maintenance of tracks located within the translocation area". The LPMA does not support the construction and maintenance of tracks within the translocation area or "Riparian Management Zone", as this will reduce the area available for regeneration and revegetation.</li> <li>The five-year timeframe of the TP should coincide with the five year timeframe of the VRP.</li> </ul>	<p>Issues relating to threatened species and translocation of the <i>Macadamia tetraphylla</i> are addressed in Section 2.2 and <b>Annexure C</b>.</p>
<p><b>Attachment 2 – Further public submissions for 08_0034</b></p>	
<p>The following is a summary of all public submissions against issues raised:</p>	
<p><b>1. Density and Character</b></p> <ul style="list-style-type: none"> <li>Bilambil Village is essentially rural in character. The proposed development is not in keeping with the character of the area and will significantly affect the character and amenity of the Village. While on the whole residents are not opposed to change and development of a kind, they are mostly opposed to the number of allotments proposed. Most are suggesting a reduced density of allotments from current (56 lots) to somewhere between 5-30 lots.</li> <li>Would prefer to see larger blocks in keeping with surrounding allotment size.</li> <li>Allotment sizes are too small and proposed easement arrangements provide further impediments to building, Easements providing access to rear lots backing onto Bilambil Road are not desired and have the effect of minimising the potential buildable area. Actual lot size will be smaller than that stated, particularly for Lots on the eastern side of the development with shared access easements.</li> <li>This subdivision will occupy more than 50% of 2(d) Village zoned land remaining in area. As a result such a development will substantially alter the character of the local Village. Refer to development at Mount Billinga Circuit nearby for another example of inappropriate development.</li> </ul>	<p>This issue is addressed in detail in Section 8.4 of the Environmental Assessment and in response to issues raised by the Department of Planning.</p> <p>The amended Subdivision Layout Plan reduces the number of residential lots by three, includes larger lot sizes and retention of trees adjacent to Urliup Road to provide a transition to the lower density dwellings on the northern side of that road and includes extensive streetscaping to Bilambil Road to soften visual impacts. In summary, it is therefore submitted that the amended layout adequately addresses density, character and allotment size issues raised in the public submissions.</p>

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<ul style="list-style-type: none"> <li>♦ While zoning allows for blocks as small as 450m<sup>2</sup>, this must be justified in context of village character. Larger rural-residential blocks (4,000m<sup>2</sup> plus) would provide a more suitable transition between rural and urban land use and be more appropriate for the area. Larger blocks would also allow for on-site sewage treatment systems to be provided, thus negating the need to connect to Council's system.</li> <li>♦ The ability to build a three storey house on 450m<sup>2</sup> blocks of land is out of keeping with rural character of Village.</li> <li>♦ No variable development or individual architectural design possible in such a high density development, resulting in homogenous design and visually dull character.</li> <li>♦ Social impacts from closeness of housing and noisy air conditioners, easements (including ongoing maintenance of shared land) and parking conflict. Privacy issues with two storey homes. Suggests removing Lots 13, 15, 17, 19, 21, 23, 25, 27, 29 and 31 to reduce these issues.</li> <li>♦ Bilambil Village should be allowed to grow naturally, organically over time rather than have an immediate city-like cluster forced upon it.</li> </ul>	
<p><b>2. Socio-economic</b></p> <ul style="list-style-type: none"> <li>♦ Issues with 'affordable/low cost housing' attracting a lower socio-economic group leading to an increase in theft/crime.</li> <li>♦ Impacts on Tweed and Caldera scenic routes/drives - tourism impacts e.g. Tweed's only winery, eco-resorts, access to coastal hinterland.</li> <li>♦ Cost of housing appears to be significantly more than urban zoned land in the Tweed Shire (c. \$250,000 vs. c. \$185,000). Is this affordable housing?</li> <li>♦ Currently no infrastructure to support high density development in the area - e.g. public transport, sewerage, telecommunications and internet.</li> <li>♦ Lack of public transport means residents will be forced to have a car to access facilities and employment not provided in Bilambil Village. This is an additional cost and contradicts the idea of affordable or low-cost housing.</li> <li>♦ Lack of facilities in the area to cater for Increase in young families e.g. doctor, pharmacy, bus service. Target market for this development would appear to be young families, so facilities should be designed around their needs.</li> <li>♦ Lack of facilities for teenagers has already led to anti-social behaviour as a result of boredom in local area e.g. graffiti, hoons, vandalism etc ... Problem already exists in Bilambil Heights and it is contended that this development will exacerbate issue.</li> <li>♦ What study has been done on the impact of the number of extra students expected for Bilambil Public School?</li> <li>♦ Development should enhance quality of life without ruining the environment, and not focus solely on economic growth. The village character of this part of the Tweed Shire sets the Shire apart from others.</li> </ul>	<p>The project is not intended to provide affordable housing in the statutory sense. Rather it is intended to provide a range of lot sizes and future dwelling types to provide housing choice for future owners and occupiers.</p> <p>Impacts on Tweed's Caldera scenic routes will be insignificant given that total traffic generated by the 49 residential lots will be in the order of 500 trips per day, most of which will be to the east for work, shopping and recreational activities.</p> <p>See comments above regarding Dot Point 1.</p> <p>The proposal is not a high density development and as demonstrated in <b>Annexure G</b> adequate infrastructure is available to service the development.</p> <p>It is expected that when sufficient demand exists Surfside Buslines will extend the public bus route to Bilambil Village.</p> <p>Adequate facilities are available at the Panorama Shopping Centre and Terranora Village Shopping Centre. Higher order facilities are available at Tweed Heads and Tweed Heads South which are approximately 7 kilometres to the east.</p> <p>Bilambil Village is well served by recreational facilities and further facilities are available at Tweed Heads approximately 7 kilometres to the east.</p> <p>The Department of Education and Training has not raised any issues in relation to capacity constraints at Bilambil Public School.</p> <p>The proposal is consistent with the Tweed Local Environmental Plan 2000, Far North Coast Regional Strategy and contemporary urban design principles. Appropriate environmental mitigation measures have been included in the design including an embellished foreshore buffer to Bilambil Creek and stormwater management facilities.</p>

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AGENCY RESPONSE	COMMENT
<p><b>3. Flooding</b></p> <ul style="list-style-type: none"> <li>• The proposed development changes flood regime in the area by raising average ground level. This will have the effect of diverting flood flows into other areas and giving rise to unintended adverse effects offsite.</li> <li>• Proposed development will become an island during floods with severely constrained access in or out.</li> <li>• Impacts of increased flooding on properties downstream as a result of increased surface runoff from proposed subdivision (particularly Lot 1 Hogan's Road immediately south of site). There have been four floods since 1999 (included photos). Climate change will also exacerbate this problem so must be addressed adequately.</li> <li>• Residents on western side of Hogan's Road causeway will be adversely affected by a rapid release stormwater system during times of flood. Particularly affected will be the two lots immediately south of the site and the sports fields. Concern expressed that the sports fields will be severely effected more often (and therefore become unusable) if development goes ahead.</li> <li>• Increased surface runoff from hard surfaces will hit Hogan's Road bridge during flood conditions and will back up, thereby flooding critical road accessways (e.g. Bilambil road, Hogan's Road) making them more susceptible to being impassable at critical times.</li> <li>• What impact will tidal influences of Bilambil Creek have during peak flow conditions?</li> <li>• Will a coincident high tide have the effect of prolonging flooding? * TLEP 2000 - Part 7, Clause 34 has an objective to minimise the adverse effect of flooding on the community. Development must also be consistent with Tweed Shire Council's recently updated flood study and subsequent policy.</li> </ul>	<p>Issues relating to flooding are addressed in <b>Annexure G</b>. In summary, Tweed Shire Council has advised that it is satisfied with the submission relating to flooding.</p>
<p><b>4. Bilambil Community Hall</b></p> <ul style="list-style-type: none"> <li>• Noise - e.g: compressors for cold rooms, delivery vehicles, rubbish and recycling collection. Noise from events at the community hall will adversely impact on residents of proposed Lots 9, 10, and 11. Frequency of delivery vehicles has been understated at twice a week - probably more like daily. Ensure that the Community Hall can operate as it currently does without new operating restrictions requested by new residents.</li> <li>• Impacts of fill and retaining wall on boundary between community hall and proposed development may cause additional stormwater runoff onto hall site. This could lead to effects on the piles/foundations of the community hall.</li> </ul>	<p>Locating the child care centre adjacent to the hall assists in mitigation potential impacts however because of the topography it is not possible to site the passive open space playground to the west of the hall. Therefore Lots 9 and 10 may suffer some amenity impacts from the use of the hall however these are infrequent and can be mitigated by appropriate acoustic treatment of future dwellings on Lots 9 and 10.</p> <p>This issue is addressed in <b>Annexure G</b>.</p>
<p><b>5. Site Contamination</b></p> <ul style="list-style-type: none"> <li>• There may be impacts of former cattle dip site adjacent.</li> </ul>	<p>This issue is addressed in the Environmental Assessment (in particular <b>Annexure 13</b>). The DECC has not raised any issues relating to contamination.</p>
<p><b>6. Stormwater</b></p> <ul style="list-style-type: none"> <li>• Contaminated stormwater from site should be treated prior to discharge into Bilambil Creek. Current proposal is not as good as what was previously proposed (settling pond) in removing nutrients. Insufficient treatment of stormwater prior to discharge will contribute unnecessarily to poor water quality of the receiving environment (Bilambil Creek, Terranora Broadwater).</li> <li>• Current landuse provides ample open space/undeveloped area to absorb and filter runoff before it enters the Creek. Proposed land use would arguably worsen the situation by providing more paved/hard surfaces, rooftops and roads - therefore less filtration and natural treatment of stormwater.</li> </ul>	<p>This issue is addressed in <b>Annexure G</b>.</p>

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AGENCY RESPONSE	COMMENT
<ul style="list-style-type: none"> <li>Open drain on western boundary of Lot 2 should be piped to minimise safety risk to children.</li> <li>Provide an ecological assessment of the effects of the stormwater discharge into the Bilambil Creek receiving environment.</li> <li>Densely developed and covered lot areas will not provide enough soft landscaped area to absorb any stormwater. This will result in additional runoff and greater discharge into the creek in peak rainfall events. This will have the effect of turning the Creek into a high flow drain and significantly reduce its ecological value.</li> <li>All homes should be required to have rainwater tanks plumbed to reduce runoff and flooding impacts (BASIX). This would rewire an appropriately designed and clad roof.</li> </ul>	<p>Ecological issues are addressed in <b>Annexure F</b>.</p> <p>This issue is addressed in <b>Annexure G</b>.</p> <p>All dwellings will need to obtain a BASIX Certificate which includes the provision of a rainwater tank.</p>
<p><b>7. Water Quality</b></p> <ul style="list-style-type: none"> <li>Concern over impacts on water quality of an already distressed receiving environment. Bilambil Creek given a 'C' rating in the 2009 Report Card for the Waterways and Catchments of Cobaki and Terranora Broadwaters (Tweed Shire Council and partners. 2009)</li> <li>No access to Creek from development. Provide full fencing along bank to minimise access, help prevent accidents, and control rubbish entering Creek.</li> <li>Buffer zone not sufficient to address water quality issues. Width not consistent with environmental law. Buffer should be 50m and not include proposed road or playground/open space. How will maintenance of this area be provided for? Developer should pay for riparian maintenance for 5-10 years post development.</li> <li>Water must be of sufficient quality to conserve the habitat of platypus inhabiting the</li> </ul>	<p>This issue is addressed in <b>Annexure G</b>.</p> <p>Should the Department wish to preclude pedestrian access to the Creek bank it may impose a condition on the approval.</p> <p>This issue is addressed in detail in response to issues raised by the DECCW. It should be noted that the 50m requirement is not statutory and the playground area has been relocated.</p> <p>The amended Vegetation Rehabilitation Plan at <b>Annexure D</b> addresses buffer maintenance issues.</p> <p>This issue is addressed in <b>Annexure G</b>.</p>
<p><b>8. Sewerage</b></p> <ul style="list-style-type: none"> <li>School and residents should be allowed to connect to any proposed system. Request for Council to undertake a commitment in negotiating with the developer to supply adequate pipes to cater for the entire village to be seweraged.</li> <li>The proposed route of the pipeline over steep terrain on land prone to slippages. Proposed route has not been considered and include with assessment to allow public a chance to assess it - the proposed route may have its own environmental effects which would need to be addressed.</li> <li>Investigate alternative sewer treatment mechanisms on-site e.g. Bio-cycle. On-site sewage treatment could provide additional benefits by watering the adjacent sports fields.</li> <li>Noise and visual effects of sewer pump station need to be addressed.</li> <li>Pump station is located on area of development most flood prone - should be relocated elsewhere. Has potential to flood and spill into Bilambil Creek adding health and safety issues and adverse effects on the water quality of the receiving environment.</li> </ul>	<p>Sewerage generally is addressed in <b>Annexure G</b> including connection of the community hall. Council has declined to meet the costs of upgrading the system to enable other development in the Village to be connected. The proponent does not object to other properties connecting to the sewerage system providing it is at no cost to the proponent.</p> <p>This issue is addressed in <b>Annexure G</b>.</p> <p>On site effluent disposal in close proximity to Bilambil Creek on relatively small lots is clearly not a sustainable or suitable option.</p> <p>The sewer pump station is suitably buffered to dwellings and will be designed to minimise visual impacts.</p> <p>The pump station well will be above flood level.</p>
<p><b>9. Road Network and Parking</b></p>	
<p><b>PARKING</b></p> <ul style="list-style-type: none"> <li>Inadequate provision for overflow parking for visitors within development. This will result in spillover on-road parking to adjacent streets. Already inadequate provision for roadside parking on Bilambil Road, particularly during sports/cultural events. Concern that the proposal will exacerbate the existing parking issue.</li> </ul>	<p>All lots comply with Tweed Development Control Plan 2007, Part A5 – Subdivision Manual in relation to on street parking and on site parking.</p>

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AGENCY RESPONSE	COMMENT
<p><b>PEDESTRIAN FOOTPATHS</b></p> <ul style="list-style-type: none"> <li>Inadequate footpaths in the area. There is no safe provision for pedestrians/prams/wheelchairs on the internal roads.</li> <li>Extend footpath further along Urliup Road to development boundary.</li> <li>No pedestrian crossings provided, especially if playground is proposed across Bilambil Road.</li> </ul>	<p>Footpaths will be provided on the site in accordance with Part A5 and contributions will be paid towards the regional cycleway network in accordance with Section 94 Plan No. 22. The open space playground has been relocated such that crossing of Bilambil Road is not required.</p>
<p><b>TRAFFIC</b></p> <ul style="list-style-type: none"> <li>Increased traffic in local area from more residents and two car families. Lack of viable public transport alternatives may also increase locally generated traffic e.g. increased visitor pick-ups.</li> <li>Impact of proposed development on capacity of Kennedy Drive. Cobaki Bridge at Kennedy Drive is operating at capacity and requires additional lanes to cater for all proposed development in the area (e.g. Rise Estate, Terranora E, Bilambil Heights etc.). This should be completed before construction of any development.</li> <li>Safety of Bilambil Road is questionable already, how will it cope with increased traffic?</li> <li>How will the traffic conditions be managed? What signs will be provided?</li> <li>Residents directly across from Urliup Road access to the development raised concerns over noise, traffic volumes, impacts to their existing outlook, and lack of a footpath and safety issues.</li> </ul>	<p>This issue is addressed in the amended Transport Impact Assessment at <b>Annexure I</b>. In summary there are no capacity constraints on the local road network and appropriate signage will be provided during the construction phase to mitigate potential impacts.</p>
<p><b>ROAD DESIGN</b></p> <ul style="list-style-type: none"> <li>Remove 1.5m from the crest of Urliup Road in this location to address sight distance issues. Proposed 800mm is not enough.</li> <li>Hogan's Road and proposed internal road Intersection requires adequate sight distance to the west (when exiting the proposed development at this point). Consider removal of proposed internal access onto Hogan's Road.</li> <li>Internal roads need to be wide enough to allow for garbage trucks, recycling trucks, fire service and parking.</li> </ul>	<p>This issue is addressed in <b>Annexures G and I</b>. In summary, removal of 1.5m from Urliup Road is not required to comply with relevant design guidelines and the road geometry otherwise complies with Council's standards.</p>
<p><b>PUBLIC TRANSPORT</b></p> <ul style="list-style-type: none"> <li>No public bus service. Request for a subsidised 24-hour public bus service to provide accessibility to facilities, entertainment and other social and educational activities elsewhere in the Tweed Shire or Gold Coast.</li> <li>No designated bus stop provided on Urliup or Bilambil Roads.</li> </ul>	<p>It is expected that when sufficient demand exists Surfside Buslines will extend the public bus route to Bilambil Village.</p> <p>The location of bus stops is best determined in consultation with Surfside when the service is established. Contributions are payable towards bus shelters pursuant to Section 94 as indicated in Section 4.15 of the Environmental Assessment.</p>
<p><b>10 Electricity Transmission Line</b></p>	
<ul style="list-style-type: none"> <li>Adverse potential impacts on Lot 34.</li> </ul>	<p>Potential impacts of the electricity transmission line are addressed in the Preliminary Assessment of Potential Impacts of Electric and Magnetic Fields at <b>Annexure 14</b> of the Environmental Assessment. No State Agencies have raised any issues relating to the transmission line.</p>
<p><b>11. Playground</b></p> <ul style="list-style-type: none"> <li>Should be provided for in a more central area within subdivision so as to reduce danger from being adjacent to Road.</li> </ul>	<p>The playground area will be located on the corner of Hogans Road and Bilambil Road being the most appropriate location having regard to Council's requirements and the need to provide for an accessible site which provides passive surveillance.</p>

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AGENCY RESPONSE	COMMENT
<ul style="list-style-type: none"> <li>Locating the playground near the Creek in a secluded area would increase risks from stranger danger and drowning. A better suited area would be adjacent to the Community Hall and provide synergies with any future bus stop/school bus stop and the commercial land use. This would require removal of the commercial/retail lot (Lot 53).</li> <li>Providing a playground over Bilambil road on Council owned land (the sports ground) is not suitable. Children within the development will have no dedicated play area on site and be forced to cross an increasingly busy Bilambil Road to play.</li> </ul>	
<p><b>12 Planning</b></p> <ul style="list-style-type: none"> <li>Inconsistent with Tweed Local Environment Plan 2000 (Tweed Local Environmental Plan 2000). Tweed Local Environmental Plan 2000 states that development should be consistent with character of surrounding locality. High density, low cost housing like that proposed is not consistent with surrounding area.</li> <li>2(d) Village zoning should <i>"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"</i> (Tweed Local Environmental Plan 2000). Development should not detract from the village feel and amenity, and indeed should provide a positive contribution to the village character. This proposal is inconsistent with the objective of 2(d) Village zoning as proposal is more urban in nature, and provides no further services that aren't there already (a convenience/general store is already provided in the village).</li> <li>The artists representation of development is misleading in terms of the nature and scale of development proposed.</li> <li>Other land within the Tweed Shire will provide enough housing to meet State Government policy (Terranora E, Cobaki, Kings Forest amongst others). The development of this village is unnecessary.</li> </ul>	<p>This issue is addressed in response to issues raised by others in relation to character and amenity and also in Sections 4.4 and 8.4.1 of the Environmental Assessment. In summary, it is submitted that the amended layout is consistent with Tweed Local Environmental Plan 2000, the objectives of the 2(d) Village zone and contemporary sustainability principles relating to optimisation of yields and minimisation of urban sprawl.</p>
<p><b>13. Noise/light</b></p> <ul style="list-style-type: none"> <li>Adverse impact of noise/light spill on new residents from existing activities at the sports club over Bilambil Road. Proposed mitigation includes acoustic barrier and double glazing on upper storey windows. Air conditioning provided as windows will not open. Concern expressed over who will bear responsibility for maintaining the 1.8m high acoustic mitigation barrier e.g. graffiti, damaged panels?</li> <li>Noise/light/parking issues for the new development should not restrict the ability of the sports club to operate as it currently does.</li> <li>Existing rural noises (e.g. calving, tractors, livestock) are likely to cause issues for new residents.</li> </ul>	<p>Noise issues are addressed in Section 8.8.7 and <b>Annexure 12</b> of the Environmental Assessment. It is submitted that the measures proposed to mitigate potential impacts are satisfactory. Clearly prospective purchasers will be aware of the location of the existing Club and sports fields in making any decisions in relation to residing within the proposed subdivision and the design of their dwellings having regard to the adjacent use.</p> <p>Issues relating to buffers to rural land area addressed in Section 9.4 of the Environmental Assessment. NSW Industry and Investment raised no issues in relation to buffers to agricultural land.</p>
<p><b>14 Visual</b></p> <ul style="list-style-type: none"> <li>Visual impact of noise/acoustic wall -will have an effect on scenic quality of village and flow on tourism impacts for people doing the popular scenic drive.</li> <li>The desire to provide for low cost housing will result in aesthetically displeasing dwelling design.</li> </ul>	<p>The acoustic wall will be suitably screened by landscaping and constructed of appropriate materials and colours to mitigate impacts.</p> <p>Dwelling designs will need to comply with Tweed Shire Council's Development Control Plan Part A1 which includes design standards to achieve aesthetically pleasing built forms.</p>
<p><b>15. General</b></p> <ul style="list-style-type: none"> <li>Impact of high density development on historic values of Bilambil village.</li> </ul>	<p>The proposal is not high density development. It is low density development consistent with the zone objectives.</p>

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AGENCY RESPONSE	COMMENT
<ul style="list-style-type: none"> <li>♦ Air conditioning of houses in the face of prevailing SE winds is energy inefficient and increases the carbon footprint of the development.</li> <li>♦ Impact of increased pets on surrounding area (e.g. dogs chasing cows and calves, impact on native fauna) needs to be addressed.</li> </ul>	<p>All future dwellings will need to achieve the energy efficiency goals identified by BASIX.</p> <p>Normal regulatory controls will apply to the keeping of animals.</p>
<p><b>16. Retail Store</b></p> <ul style="list-style-type: none"> <li>♦ Shops in nearby neighbourhoods are empty and unable to be leased. Existing general store and-proposed development adds nothing new. Therefore viability of proposed shop/retail facility is questionable.</li> <li>♦ Alternative commercial/retail uses could include: boutique shop (e.g. local wines, cheese, coffee, produce), restaurant, art gallery, arts and crafts.</li> </ul>	<p>The Preferred Project Report deletes the general store and proposes that Lot 50 be used as a child care centre.</p>

#### 4.0 SUMMARY AND CONCLUSION

All relevant issues raised in the submissions have been addressed and where appropriate, the Application Plans have been amended to mitigate potential impacts and address the specific issue.

In addition, the Draft Statement of Commitments has been revised to include further measures to mitigate and manage potential adverse impacts.

In summary, the amendments to the project do not significantly change its scale and nature, but are considered to properly address the relevant issues.

Approval of the revised project is therefore considered to be sustainable and in the public interest based on the revised Draft Statement of Commitments.

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**ANNEXURE A**    **Amended Subdivision Layout Plan Drawing No. 17154D Rev F, 8 December 2009 (3 Sheets); 17532D Rev C, 24 November 2009 (2 Sheets); 17628D Rev B, 24 November 2009 (2 Sheets) – B & P Surveys,**

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**ANNEXURE B**    **Amended Landscaping Plan Drawing No. A1.DD.3, November 2009 – Donald Irving  
and Andrew Gold Landscape Architecture**

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**ANNEXURE C    Amended Translocation Plan, Macadamia tetraphylla – James Warren and Associates, 7 December 2009**

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**ANNEXURE D    Amended Vegetation Rehabilitation Plan, – James Warren and Associates,  
7 December 2009**

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**ANNEXURE E    Concept Layout Plan – Proposed Child Care Centre – LVO Architecture**

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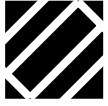
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**ANNEXURE F      Amended Flora and Fauna Report, – James Warren and Associates, 7 December 2009**

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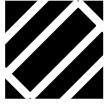
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**ANNEXURE G    Amended Civil Engineering Report Revision G – CLA Consultants, 25 November 2009**

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**ANNEXURE H    Email from Su Davies Dated 21 October 2009 in Relation to Cultural Heritage Issues**

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**ANNEXURE I      Amended Transport Impact Assessment – CRG Pty Ltd, 26 November 2009**

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**ANNEXURE J    Revised Statement of Commitments, December 2009**

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