



DARRYL ANDERSON CONSULTING PTY LTD

TOWN PLANNING & DEVELOPMENT CONSULTANTS

MAJOR PROJECT APPLICATION NO. 09_0166

REQUEST FOR DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

**PROPOSED 300 LOT SUBDIVISION
AT LOT 1 DP 304649, LOT 1 DP 175235, LOT 1 DP 781687, LOT 2 DP 778727,
LOT 1 DP 781697, LOT 1 DP 169490, LOTS 40 AND 43 DP 254416
FRASER DRIVE, TERRANORA (METRICON QLD PTY LTD)
"ALTITUDE 1"**

PREPARED FOR:

METRICON QUEENSLAND PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

OCTOBER 2009

Suite 7, Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

Ph: 07 55233611
Fax: 07 55233612
Email: admin@daconsulting.com.au

TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	PROPERTY DESCRIPTION	3
3.0	PROJECT DESCRIPTION	3
4.0	KEY ISSUES	4
4.1	Consultation	4
4.2	Non-compliance with Relevant Planning Control	4
4.3	Community Issues	4
4.4	Potential Environmental Impacts	4
4.5	Likely Environmental Risks	6
4.6	Constraints	6
4.7	Planning Provisions	6
5.0	SUMMARY AND CONCLUSION	8

ANNEXURES

ANNEXURE A	Zoning Map (Tweed Local Environmental Plan 2000 – Amendment No. 10)
ANNEXURE B	Location Map (Cadastral)
ANNEXURE C	Layout Plan
ANNEXURE D	Summary of Contamination Issues – Gilbert and Sutherland, 2 October 2009
ANNEXURE E	Aerial Photograph of Site

Darryl Anderson Consulting Pty Ltd

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

MAJOR PROJECTS APPLICATION NO. 09_0166
REQUEST FOR DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

**PROPOSED 300 LOT SUBDIVISION AT LOT 1 DP 304649, LOT 1 DP 175235, LOT 1 DP 781687,
LOT 2 DP 778727, LOT 1 DP 781697, LOT 1 DP 169490, LOTS 40 AND 43 DP 254416 DP 254416
FRASER DRIVE, TERRANORA (METRICON QLD PTY LTD) "ALTITUDE 1"**

1.0 INTRODUCTION

Metricon Queensland Pty Ltd has instructed Darryl Anderson Consulting Pty Ltd to prepare an application for a three hundred lot subdivision at Fraser Drive, Terranora.

The subject land was rezoned to predominantly 2(c) Urban Expansion and a relatively small area of 7(a) Environmental Protection (north western part of the site) by way of Tweed Local Environmental Plan 2000 Amendment No. 10 (Area E) which was published in the Government Gazette on 26 October 2007. A copy of Tweed Local Environmental Plan 2000 Amendment No. 10 Map is contained at **Annexure A**.

The Local Environmental Plan Amendment was informed by and based on the Tweed Area E Local Environmental Study (Parsons Brinkerhoff, March 2004).

On 23 September 2009, the Department of Planning advised that the proposal is a project to which Part 3A of the Act applies. Accordingly, the purpose of this Report is to address the information requirements contained in the Schedule accompanying the Department's letter, to enable the Department to issue the Director General's Environmental Assessment requirements.

2.0 PROPERTY DESCRIPTION

The land to which this submission applies is described as Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490, Lots 40 and 43 DP 254416 Fraser Drive, Terranora having a total area of 35.1 hectares. The site has frontage to Fraser Drive and is located within Urban Release Area E.

Annexure B shows the location and cadastral boundaries of the land in relation to the release area.

3.0 PROJECT DESCRIPTION

This development involves the creation of 300 residential lots and the provision of all normal urban infrastructure together with the dedication of open space areas. Key elements of the project include:

- ♦ Opening and construction of all proposed roads
- ♦ Construction of a temporary intersection access to Fraser Drive
- ♦ Provision of underground reticulated water supply
- ♦ Provision of underground reticulated sewerage
- ♦ Provision of underground reticulated stormwater drainage and stormwater management facilities
- ♦ Provision of underground power and telephone services
- ♦ Carrying out of bulk earthworks to establish final land forms

Details of the proposed subdivision are contained on the Application Plans at **Annexure C**.

Annexure E comprises an Aerial Photograph showing the key topographic features of the site and its relationship with adjoining development.

Darryl Anderson Consulting Pty Ltd

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

4.0 KEY ISSUES

4.1 Consultation

Tweed Shire Council

Council has been consulted in the wider context of preparing a Draft Development Control Plan over the Area E urban release area generally. Council has not raised any significant issues in relation to the subject land. The final alignment of Broadwater Parkway is an issue which Council requires resolution of as part of any Major Project Application.

Department of Environment, Climate Change and Water

As the site is adjacent to Terranora Broadwater and a State Environment Planning Policy No. 14 Wetland it is proposed to formally consult the Department during the preparation of the Environmental Assessment.

Northern Rivers Catchment Management Authority

No significant tree removal is proposed or required and minimal disturbance is necessary in and adjacent to the State Environmental Planning Policy No. 14 Wetland. Nevertheless, it is proposed to formally consult the Northern Rivers Catchment Management Authority during the preparation of the formal Environmental Assessment Report.

4.2 Non-compliance with Relevant Planning Control

Based on the assessment in Section 5.0, the project is not inconsistent with any relevant Planning Controls with the possible exception of Clause 53(d) of Tweed Local Environmental Plan 2000. This issue is addressed in Section 5.0.

4.3 Community Issues

Tweed Local Environmental Plan 2000 Amendment No. 10 which rezoned the subject land from Non-Urban to Urban was gazetted in October 2007, following formal public exhibition in accordance with statutory requirements.

The proposal is a relatively small scale subdivision in the context of the wider Terranora Area E Urban Release Area on what is a recently rezoned site with lot sizes similar to those on adjoining and adjacent areas to the east of Fraser Drive. The proposal will be compatible with the existing character and amenity of adjacent areas and the desired future character of the area as reflected in the 2(c) zone objectives. Accordingly, in the circumstances of this case, the proposal is unlikely to raise any significant community concerns.

Nevertheless, the application will be formally advertised for thirty days and members of the local community will have an opportunity to make submissions at that stage.

4.4 Potential Environmental Impacts

Contamination

The site has been used for intensive agricultural purposes for many years including horticulture and small cropping. Preliminary Contaminated Land Assessments completed to date indicate that the site does not contain contaminants above the applicable health based investigation limits (see **Annexure D**).

There are no dip sites in or adjacent to the property.

Darryl Anderson Consulting Pty Ltd

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

Acid Sulphate Soils

A small area of Class 2 Acid Sulphate Soil exists in the northern part of the site. Any disturbance of this area will be carried out in accordance with an Acid Sulphate Soil Management Plan to accompany the formal Environmental Assessment Report.

Water Quality

Given the juxtaposition of the subject land to Terranora Broadwater and the adjacent State Environmental Planning Policy No. 14 Wetland, qualitative and quantitative management of stormwater runoff will be a key issue to be addressed in any Environmental Assessment. This includes the provision of construction phase erosion and sedimentation control facilities and operational phase facilities to ensure that water quality in downstream receiving waters is not diminished as a result of the development.

Vegetation Removal

Tweed Shire Council's Vegetation Mapping indicates that the site is highly modified/disturbed and includes three water bodies (farm dams). Scattered stands of trees do remain on the site and the ecological significance of these trees will be addressed as part of the Environmental Assessment.

Bushfire

Relatively small areas in the southern and northern areas of the site are mapped as bushfire prone. The implications of these areas on the subdivision design and future dwelling construction standards is an issue which will need to be addressed in any Environmental Assessment. The Bushfire Map mainly relates to stands of vegetation located off the site.

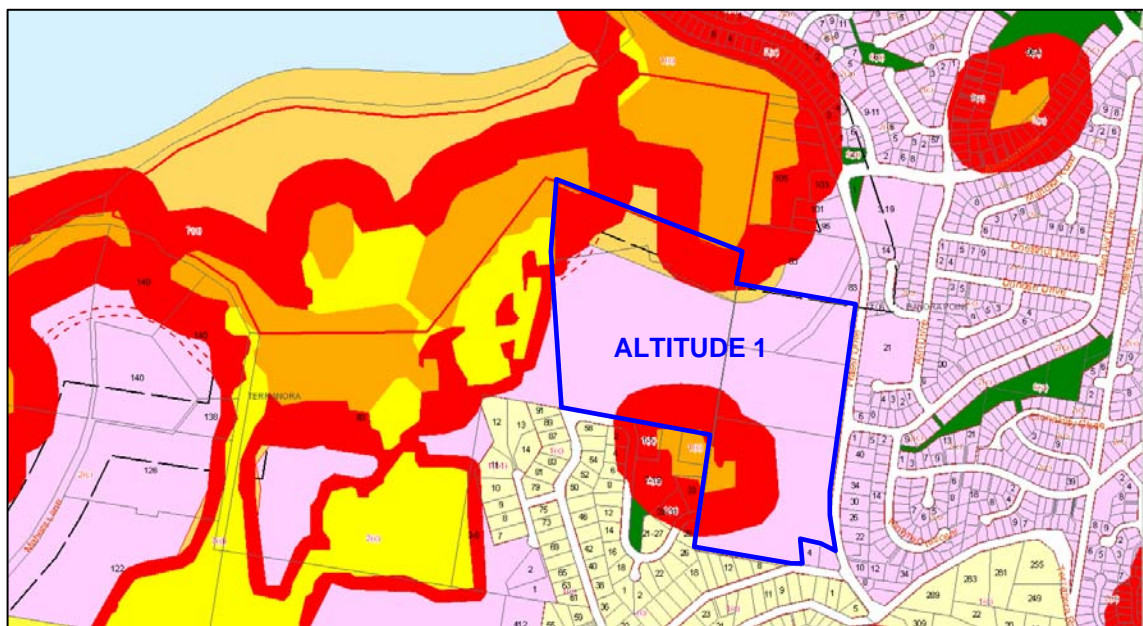


Figure 1 – Bushfire Map

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

4.5 Likely Environmental Risks

The key environmental risks relating to the subject land include:

- ♦ Geotechnical stability – preliminary investigations indicate that the site is geotechnically stable.
- ♦ Contamination – preliminary investigations indicate that contamination from past agricultural issues is not a significant constraint.
- ♦ Bushfire hazard – this risk can be adequately addressed based on preliminary investigations.

4.6 Constraints

Fraser Drive is a distributor road and a designated road, to which direct vehicular access is prohibited. Intersection locations and spacings are also regulated. The proposed main intersection of Broadwater Parkway and Fraser Drive is to be located adjacent to Amaroo Drive, however that section of Broadwater Parkway immediately west of Fraser Drive passes through four other properties which are not in the ownership of Metricon Queensland and therefore construction of the permanent alignment of Broadwater Parkway cannot be undertaken as part of this application. Accordingly, it is proposed to construct a temporary access to Fraser Drive as generally shown on the Application Plans. There are no other significant constraints on the development potential of the subject land.

Based on preliminary investigations, relative constraints relate to land slopes, buffers to wetlands and managing water quality.

4.7 Planning Provisions

Tweed Local Environmental Plan 2000

Under the provisions of this Plan, the land on which the residential lots are proposed is zoned 2(c) Urban Expansion. Development for the purposes of a residential subdivision to accommodate dwelling houses is permissible, with consent, in the 2(c) zone. A statutory three storey height limit applies to the site for dwelling houses. The minimum lot size for the erection of a dwelling house is 450m² in the 2(c) zone and the proposed lots will comply.

Relevant Clauses of Tweed Local Environmental Plan 2000 include:

Clause 15 – Availability of Essential Services

Readily available in Fraser Drive and adjacent streets.

Clause 17 – Social Impact Assessment

A formal Socio-Economic Impact Statement is not required because this is a Major Project Application rather than a subdivision, however relevant socio-economic issues will be addressed in the Environmental Assessment.

Clause 34 – Flooding

The north western corner of the site may be flood prone and this issue will need to be addressed in the Environmental Assessment.

Clause 35 – Acid Sulphate Soils

A small area in the northern part of the site is identified as Class 2 in terms of acid sulphate soil. An Acid Sulphate Soil Management Plan is likely to be required if excavation below ground level is proposed in this area.

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Clause 39 – Remediation of Contaminated Land

A Contamination Assessment and Report will need to accompany any application.

Clause 39A – Bushfire Protection

The land is mapped as bushfire prone and therefore a report addressing compliance with Planning for Bushfire Protection, 2006 will need to accompany the application.

Clause 53D3 - Specific provisions for Terranora Urban Release Area E

In summary, this Clause provides that the Consent Authority must not consent to development on land to which this Clause applies unless it is satisfied that, inter alia, a Development Control Plan has been prepared for the land.

The Local Environmental Study, Draft Local Environmental Plan and a preliminary Draft Development Control Plan for Urban Release Area E were funded by the Terranora Landowners Group. However, as the Draft Development Control Plan had not been completed the Terranora Landowners Group (with the agreement of Tweed Shire Council) engaged Darryl Anderson Consulting Pty Ltd to finalise the Draft Development Control Plan and prepare a Draft Section 94 Contribution Plan.

On 21 February 2008, in accordance with the provisions of Section 74D of the Act, Draft Tweed Development Control Plan 2007, Part B17 (Terranora Urban Release Area E) was submitted to Council.

Following several meetings with Council Officers further information relating to the Draft Development Control Plan was submitted to Council on 18 December 2008, including concept Site Grading Plans, a Stormwater Quality Report, a Habitat Restoration Plan and a Wetland Restoration Plan.

A Draft Section 94 Contribution Plan was submitted to Council on 5 February 2009.

Council Officers have been assessing the Draft Development Control Plan (and additional information) for many months, however adoption of the Plan is not likely to occur this year.

As discussed at the meeting with Departmental Officers on 26 August 2009, Metricon has settled on the site (and other properties in Area E) and for commercial reasons is not in a position to further delay approvals to enable lots to be created. In this regard we note that the Minister is not bound by the provisions of a Local Environmental Plan.

Having regard to the history of this matter and previous discussions with and submissions to the Department, we submit that in the circumstances of this case the Draft Development Control Plan is an adequate document to enable the context of the proposed subdivision to be properly assessed.

Tweed Development Control Plan 2007

This Development Control Plan contains a number of provisions applicable to the subject land including:

Part A5 – Subdivision Manual

This Manual contains comprehensive guidelines and development standards relating to the subdivision of land including allotment sizes and shapes, provision of open space, public road standards, cycleways and walkways and services and infrastructure. In summary, the proposal is generally consistent with the provisions of Part A5.

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Part A9 – Energy Smart Homes Policy

This Part requires the orientation of allotments to be such that energy efficiency objectives outlined in the Development Control Plan are substantially achieved. The proposed layouts will achieve these requirements.

State Environmental Planning Policy No. 14 – Coastal Wetland

A small area on the north western corner of the site is mapped as a State Environmental Planning Policy No. 14 Wetland. This area is within land zoned 7(a) Environmental Protection and no development is proposed within the mapped State Environmental Planning Policy No. 14 Wetland.

State Environmental Planning Policy No. 71 – Coastal Protection

The subject land is located within the coastal zone and therefore the relevant provisions of this Policy apply.

Clause 8 of this Policy requires the consent authority to take into account a number of matters when considering a Development Application to which the Policy applies. The proposal is generally consistent with the provisions of this Policy.

Far North Coast Regional Strategy 2006 - 2031

The subject land is identified as being within the existing urban footprint under the provisions of this Strategy.

5.0 SUMMARY AND CONCLUSION

Altitude 1 is the first major subdivision proposal within the emerging urban release area known as Terranora Area E. In the overall scheme of Terranora Area E it is of a relatively modest scale however it is based on the logical sequencing of development in Area E proceeding from Fraser Drive in a westerly direction as all existing services and infrastructure of sufficient capacity are generally located adjacent to Fraser Drive.

No absolute constraints to the development of the land have been identified and this report identifies relative constraints and key issues.

Based on the investigations undertaken to date, it is unlikely that any significant issues would arise other than those identified in this report.

Darryl Anderson Consulting Pty Ltd

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



ANNEXURE A Zoning Map (Tweed Local Environmental Plan 2000 – Amendment No. 10)

Darryl Anderson Consulting Pty Ltd

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

Major Project Application No. 09_0166
Project No: MET 07/133 – October 2009

Fraser Drive
Terranora

(Transmission Line Corridor)

7(d)

DATE _____



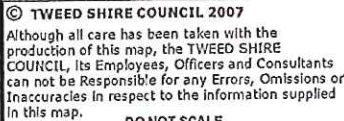
ANNEXURE B Location Map (Cadastral)

Darryl Anderson Consulting Pty Ltd

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

Major Project Application No. 09_0166
Project No: MET 07/133 – October 2009

Fraser Drive
Terranora



File: N:\Munsys\Area 'E'\Land Owners.WOR

AREA 'E'
LAND OWNERS



Planning
Reforms Unit
**SITE
PLAN**

Author: J. Batchelor	Date: 24/July/2007	Scale: 1:10,000	Sheet: 1 of 2
----------------------	--------------------	-----------------	---------------



ANNEXURE C Layout Plan

Darryl Anderson Consulting Pty Ltd

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

Major Project Application No. 09_0166
Project No: MET 07/133 – October 2009

Fraser Drive
Terranora

THIS PRELIMINARY STRUCTURE PLAN HAS BEEN
PREPARED FOR USE BY METRICON ONLY.

[illegible]



ANNEXURE D Summary of Contamination Issues – Gilbert and Sutherland, 2 October 2009

Darryl Anderson Consulting Pty Ltd

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

Major Project Application No. 09_0166
Project No: MET 07/133 – October 2009

Fraser Drive
Terranora

October 2, 2009

Metricon Qld Pty Ltd
PO BOX 3407
Robina TC QLD 4230

Attention: Mr Shaun Nicholson

Dear Shaun:

RE: SUMMARY OF CONTAMINATION ISSUES RELATING TO PROPOSED 'ALTITUDE 1' DEVELOPMENT 'AREA E', LOCATED ADJACENT TO FRASER DRIVE, TERRANORA, NEW SOUTH WALES

Metricon Queensland Pty Ltd (Metricon) commissioned Gilbert & Sutherland Pty Ltd (G&S) to prepare an expert summary relating to contamination issues, and possible historical contaminating activities (if any) occurring within the bounds of the proposed Metricon development known as 'Altitude 1' (the site) to support a Part 3A application to the New South Wales Department of Planning. The 'Altitude 1' site is located within Terranora 'Area E' and comprises the following lots (as shown on Drawing No. GJ0901.1.1):

- Lot 1 DP304649 (4.702 ha)
- Lot 1 DP175235 (13.840 ha)
- Lot 1 DP781687 (4.707 ha)
- Lot 1 DP781697 (3.523 ha)
- Lot 1 DP169490 (0.348 ha)
- Lot 2 DP778727 (8.525 ha)
- Lots 40 and 43 DP 254416 (0.065 and 0.036 ha)
- Lot 3 DP587869 (0.246 ha).

Glazebrook & Associates Pty Ltd conducted a Stage 1 investigation of the entire Terranora 'Area E' in May 2003 on behalf of Gilbert & Sutherland. This report was included as Appendix A in the Gilbert & Sutherland Soil Contamination Assessment for 'Area E' Properties Terranora (G&S, October 2003). This information confirmed historical potentially contaminating activities associated with agricultural practices. Gilbert & Sutherland's broad acre soil contamination assessment, conducted on behalf of Metricon on the entirety of properties within the Terranora 'Area E' development precinct, confirmed that no samples taken from within what is now the 'Altitude 1' development site exhibited concentrations of contaminants above the applicable Health-Based Investigation Levels (HILs) adopted for the 2003 investigation.

The broad acre soil contamination assessment conducted by Gilbert & Sutherland included the drilling of one thousand three hundred and twenty three (1323) shallow boreholes¹ across the entire proposed Terranora 'Area E'. Shallow soil samples collected from each borehole were subsequently composited and analysed by a NATA accredited laboratory for a suite of analytes particular to the identified historical activities occurring on the site. Contaminants of Potential Concern (COPC) were identified as:

- Arsenic
- Lead
- Aldrin/Dieldrin

¹ Sample densities in general accordance with; **Standards Australia. AS 4482.1—2005. Guide to the Sampling and Investigation of Potentially contaminated Soil – Part 1: Non-volatile and Semi-volatile compounds.**

- Chlordane
- DDT, DDD and DDE (Attributable to pesticide use)
- Cadmium
- Copper
- Mercury
- Zinc.

A brief summary of analytical results for the COPC selected, summarised for each lot within the 'Altitude 1' area, is presented below. The results indicate no contaminants occurring above the applicable Health-Based Investigation Levels (HILs) adopted for the 2003 investigation.

Table 1 – Summary of analytical results, previous investigation (G&S 2003) on lots now comprising Altitude 1

Lot # Located within proposed 'Altitude 1'	COPC Suite	Samples exceeding adjusted HILs
Lot 1 DP304649	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lot 1 DP175235	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lot 1 DP781687	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lot 1 DP781697	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lot 1 DP169490	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lot 2 DP778727	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lots 40 & 43 DP 254416	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None
Lot 3 DP587869	As, Cd, Cu, Hg, Pb, Zn, Aldrin/Dieldrin, Chlordane, DDT+, DDD+ & DDE	None

Table 1: Sourced from Soil Contamination Assessment report for 'Area E' Properties Terranora Volume 1 – Report prepared for Metricon Queensland Pty Ltd, dated October 2003.

Given that the above-mentioned lots wholly encompass the proposed 'Altitude 1' area and currently exist in a similar, undeveloped condition to that encountered during the 2003 assessment period, Gilbert & Sutherland considers that the findings of the Soil Contamination Assessment for 'Area E' Properties Terranora Volume 1 – Report prepared for Metricon Queensland Pty Ltd, dated October 2003 remain valid. Further, the landholder confirms that no change of land use and/or new land use activity with the potential to contaminate the site has been undertaken on the subject lots in the period between the 2003 investigation and the date of preparing this letter advice.

Summary

Gilbert & Sutherland's Soil Contamination Assessment for 'Area E' Properties Terranora Volume 1 – Report, prepared for Metricon Queensland Pty Ltd, dated October 2003, found no contamination associated with historical agricultural use of the lots that now comprise the Altitude 1 site. Of the total 1323 soil bores drilled across the entire Area E site, 508 were drilled within the Altitude 1 site. Contamination exceeding the adopted HIL's was not identified in any of the samples collected from the boreholes.

Therefore, with regard to the following NSW Department of Planning Major Projects Application sections regarding the preliminary assessment-identification of key issues (contained within *Schedule – Information required at lodgement*):

- (c) *potential environmental impacts associated with construction, operation, or occupation of a project;*
- (d) *likely environmental risks;*

Gilbert & Sutherland considers that the lots comprising the proposed 'Altitude 1' area exhibit a low potential for environmental impact associated with contamination and/or potentially contaminating activities.

We trust this advice is acceptable. Please do not hesitate to contact this office, including those undersigned, if you require any further details.

Yours faithfully,

Gilbert & Sutherland Pty Ltd



Nathan Zurig

Director/Principal Environmental Scientist



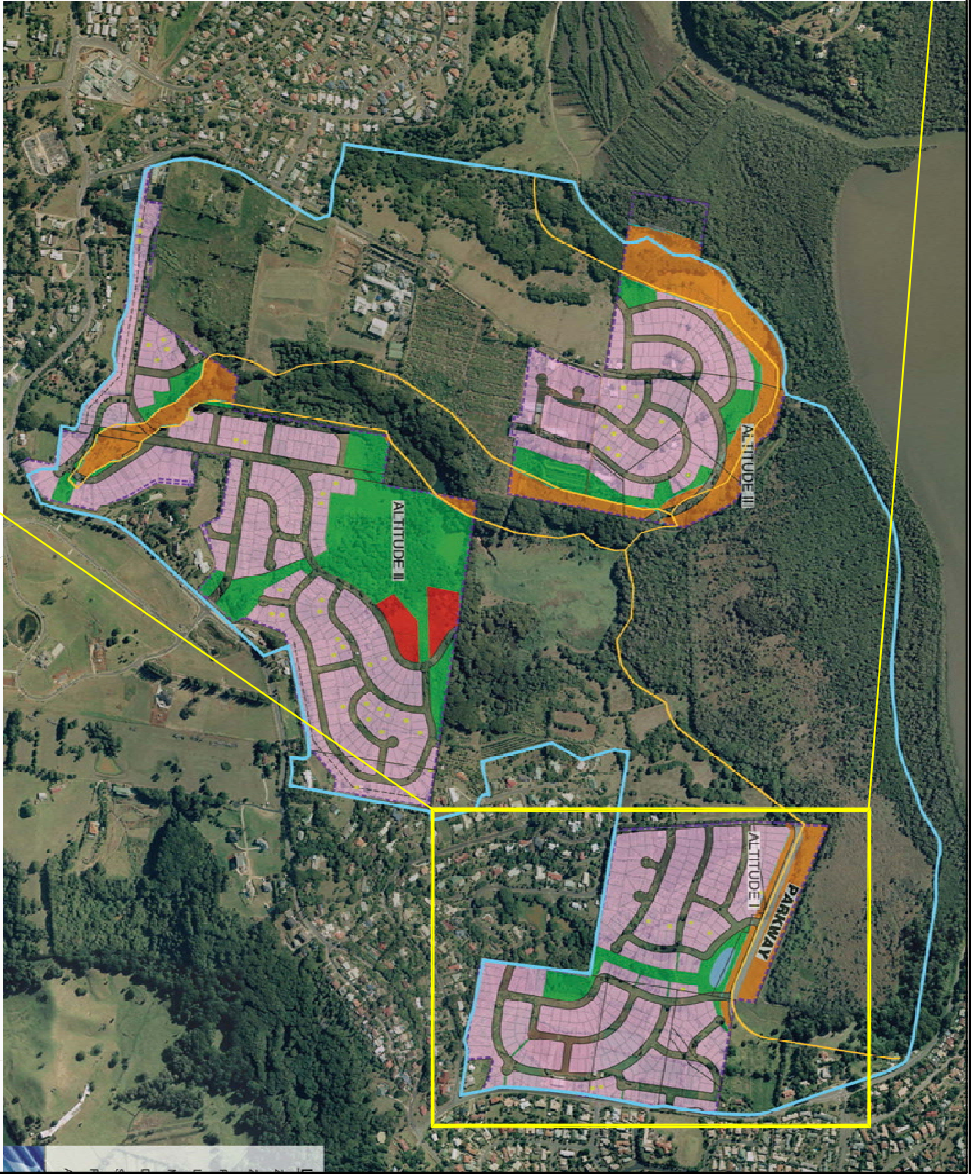
Nick Gifford

Environmental Scientist



Gilbert & Sutherland's Soil Contamination Assessment for 'Area E' Properties Terranora Volume 1 - Report found no current or historical contaminating activities are likely to have taken place on the lots that now comprise the Altitude 1 site. These lots include:

- Lots 40 and 43 DP254416
- Lot 1 DP169490
- Lot 1 DP781697
- Lot 1 DP304649
- Lot 1 DP781687
- Lot 1 DP175235
- Lot 2 DP778727
- Lot 3 DP587869



<div><div><div>GILBERT+SUTHERLAND</div><div>agriculture · water · environment</div></div><div>Eastside 5/232 Robina Town Centre Drive, Robina, Qld. 4226 Phone 55789944 Mobile 0418 760919 Fax 55789945</div></div>		<div>PROJECT</div> <div>METRICON QLD P/L</div> <div>SUMMARY OF CURRENT & HISTORICAL CONTAMINATION ISSUES 'ALTITUDE 1' TERRANORA, NSW</div>	
<div>FIGURED DIMENSIONS TO BE READ IN PREFERENCE TO SCALING.</div>		<div>APPROVED</div> <div>SCALE AS SHOWN</div> <div>DATE 2/10/09</div>	
		<div>DRAWN J.W.W</div> <div>CHECKED</div> <div>DRAWING No. GJ0901.1.1</div>	



ANNEXURE E Aerial Photograph of Site

Darryl Anderson Consulting Pty Ltd

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

Major Project Application No. 09_0166
Project No: MET 07/133 – October 2009

Fraser Drive
Terranora

