

***Rise Estate***

***Bilambil Heights***

***Concept Plan***

***Proposed by Terranora Group Management Pty Ltd***

***MP 08\_0234***

Director-General's Environmental Assessment Report  
Section 75I of the  
Environmental Planning and Assessment Act 1979  
May 2010



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## EXECUTIVE SUMMARY

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This is an assessment report recommending approval of a Concept Plan proposed by Terranora Group for a mixed residential development in Bilambil Heights called Rise pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act").

### The Site

The site is 187 hectares located in the Tweed Local Government Area and falls within the existing urban footprint identified in the Far North Coast Regional Strategy. It forms part of the Bilambil Heights Urban Release Area identified in the Tweed Residential Development Strategy 1991.

Terranora Group is also seeking a State Significant Site listing for the lands to which the Concept Plan applies in order to facilitate a rezoning of the site.

### The Proposal

The proposed concept provides for a total of 1,604 residential dwellings and a 200 bed nursing home, 4,447m<sup>2</sup> of retail space, 5,300m<sup>2</sup> of commercial space and 39ha of open space and conservation lands. It proposes a range of housing styles, retail and community facilities and ancillary infrastructure.

The estimated project cost of the development is approximately \$141 million.

### Exhibition and Key issues

The proposal was exhibited for a period of 30 days from Wednesday 19 August 2009 to 18 September 2009. The State Significant Site study was exhibited at the same time. During the exhibition period, the Department received a total of 17 submissions from the public and 11 submissions from public authorities. The submissions from the public included 16 letters of objection and 1 letter of support.

Key issues raised in public authority submissions include the following:

- The impact of the proposed development footprint on the lowland rainforest communities (identified as EEC) and endangered flora species.
- The impact of traffic generated by the development on the capacity of the local road network.
- The visual impact generated by the proposed heights of buildings which are more than 3 storeys in height
- Further analysis of infrastructure requirements to determine staging of these works.

On 24 February 2010 the applicant amended the application via the Preferred Project Report to address issues raised by the Department and submissions.

### Assessment

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the proponents' Preferred Project Report, the Statement of Commitments and the Department's recommendations. The Concept Plan, with recommended modifications, is supported because it is consistent with the objectives of the Far North Coast Subregional Strategy. It is located within the identified urban footprint and contributes to the growth and dwelling targets for the subregion.

The proposal adequately addresses the Director-General Requirement's for the project. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

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# 1 BACKGROUND

## 1.1 Site Description

The site is a 187 ha area located within Bilambil Heights, approximately 6 kilometres west of Tweed Heads and 6 kilometres south of the New South Wales/Queensland state border. It is within the Tweed Local Government Area.

The legal property description of the site is Lot 31 and 33 DP1085109, Lot 31 DP 850230, Lot 2 DP 867486, Lot 4 DP 822786, Lot 1 DP 1033807, Lot 1 DP 1033810 and Lot 1 DP595529.

The site is located on a ridgeline with elevations ranging from approximately RL 3m AHD towards the northern boundary to approximately RL 216m AHD in the middle of the site and RL180m AHD towards the southern boundary. As a result the site has varying topography with areas of steeply sloping land and flat areas mostly located on the ridge top.

The site can be accessed by Marana Street via Scenic Drive at its south eastern corner and by Cobaki Road via Piggabeen Road at its northern boundary. Both Scenic Drive and Piggabeen Road link to Kennedy Drive, a major distributor road connecting the site to Tweed Heads. Piggabeen Road also links the site to the future proposed connection to the Tugun Bypass via a new link Road - Cobaki Parkway, to be constructed as part of the proposed Cobaki Lakes development to the north.

Figure 1 below shows the location of Rise and the surrounding region.

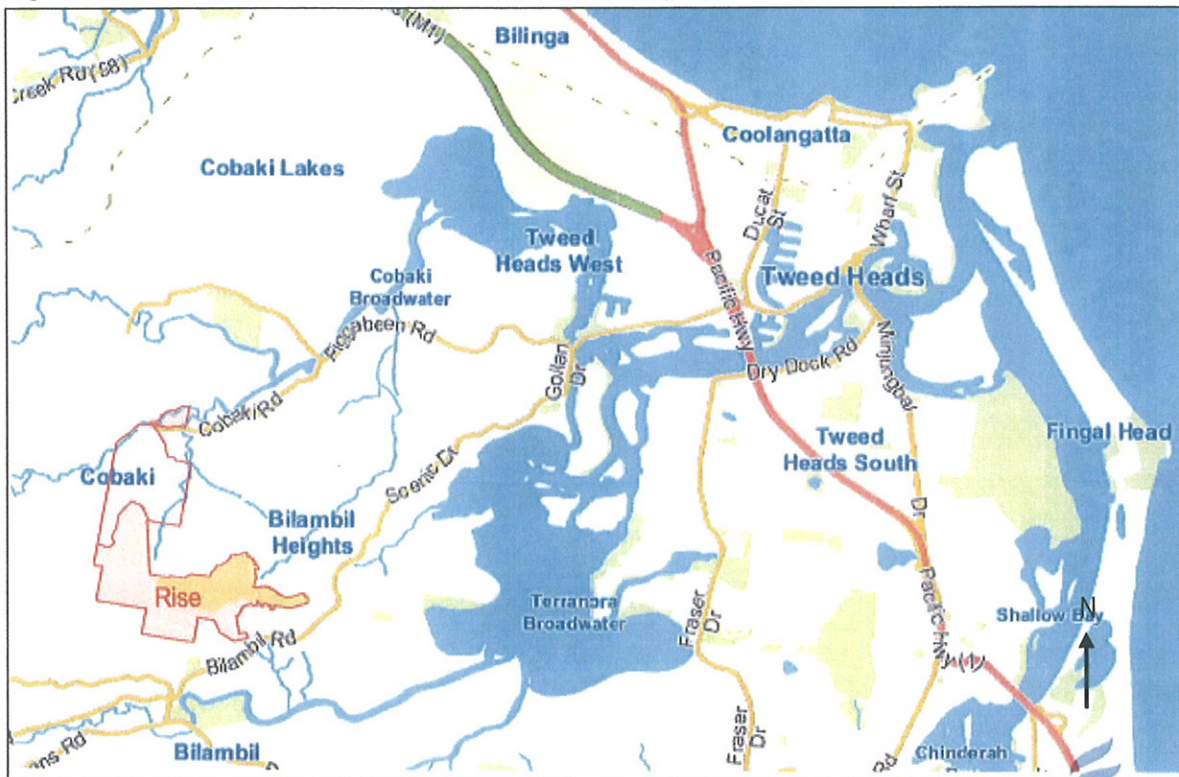


Figure 1: Location Plan (total area owned by Proponent outlined in Red)

The south eastern portion of the site was previously used as the Terranora Golf Resort. The remaining area of the site to the north and west is used for agricultural purposes consisting of grazing lands. The disused Golf Resort club house, an old shooting club house and tennis courts remain on the site. The only other structure on site is an existing water reservoir which forms part of the local water supply system managed by Tweed Shire Council.

The aerial photograph in Figure 2 below shows the remnants of the previous uses of the site.





**Figure 2: Aerial Photograph (site boundary in red)**

The majority of the available flat areas of the site have been cleared of significant vegetation as a result of past agricultural and recreation land uses. Areas of remanent rainforest remain on the sites boundaries and in the steeper areas of the site, mostly adjoining the southern boundary.

An Ecological Assessment undertaken by James Warren & Associates in 2009 identified the site as continuing to have ecological conservation value. In this regard the assessment identified the following on the site:

- 7 vegetation species including one endangered ecological community - lowland rainforest. The lowland rainforest community was identified mostly in areas to the south of the site and in some smaller areas to the north of the site.
- 381 flora species including 17 of which are vulnerable or endangered.
- 8 threatened fauna species.
- 5 migratory species listed in the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.
- In addition, a further 15 threatened fauna species were considered likely due to the occurrence of suitable habitat on the site.

A cultural heritage assessment of the site was undertaken by Everick Heritage Consultants Pty Ltd in June 2009. The assessment identified a system of small crop terraces dating from the mid 20<sup>th</sup> Century located on a ridge in the northern part of the site. No other items of indigenous heritage were identified on the site.



## 1.2 Surrounding Development

The majority of the site adjoins land used for agricultural purposes. This includes land to the north that is zoned Urban Expansion under the existing *Tweed Local Environmental Plan 2000* (Tweed LEP). To the south of the site is a relatively steep forested area, parts of which are zoned Environmental Protection.

As shown in **Figure 3** below the eastern end of the site adjoins the existing residential area of Bilambil Heights. This area is also zoned Urban Expansion under the Tweed LEP. Bilambil Heights is characterised by single and two storey detached dwellings and some life style blocks. Locally it is serviced by a small group of neighbourhood shops located on Simpsons Drive. Terranora Resort, an accommodation complex, adjoins the south eastern boundary of the site and is currently accessed through the site from Marana Street via the existing club house car park.



**Figure 3: Aerial Photograph showing the Bilambil Heights residential area adjoining Marana Street and the Terranora Resort**

Further to the east is the major town centre of Tweed Heads. Tweed Heads is identified as a Regional Centre in the Far North Coast Regional Strategy.

To the north of the site is the proposed development of Cobaki Lakes – a Part 3A proposal for a 5,500 lot residential subdivision. The proposal for Cobaki Lakes includes the construction of the Cobaki Parkway (as works in kind in lieu of Section 94 contributions) which, at completion, will be accessible from the Rise Estate via Piggabeen Road. Cobaki Parkway will in the future provide a link north to the Boyd Street Overpass, forming an alternative route from Rise to the Pacific Highway.

## 1.3 Regional Context

The site is identified as existing urban footprint in the Far North Coast Regional Strategy 2006-2031. It forms part of the Bilambil Heights Urban Release Area identified in the Tweed Residential Development Strategy 1991.

To accommodate the anticipated population growth in the region the Far North Regional Strategy (FNRS) has set a target for an additional 19,100 dwellings for the Tweed Shire Local Government Area from 2006 by 2031. The FNRS has identified a settlement pattern which protects environmental values and natural resources whilst utilising and developing the existing network of major urban centres, reinforcing village character, and requires efficient use of existing services and major transport routes.

The site is located within land identified as existing urban footprint under the FNRS, as shown in **Figure 4** below.



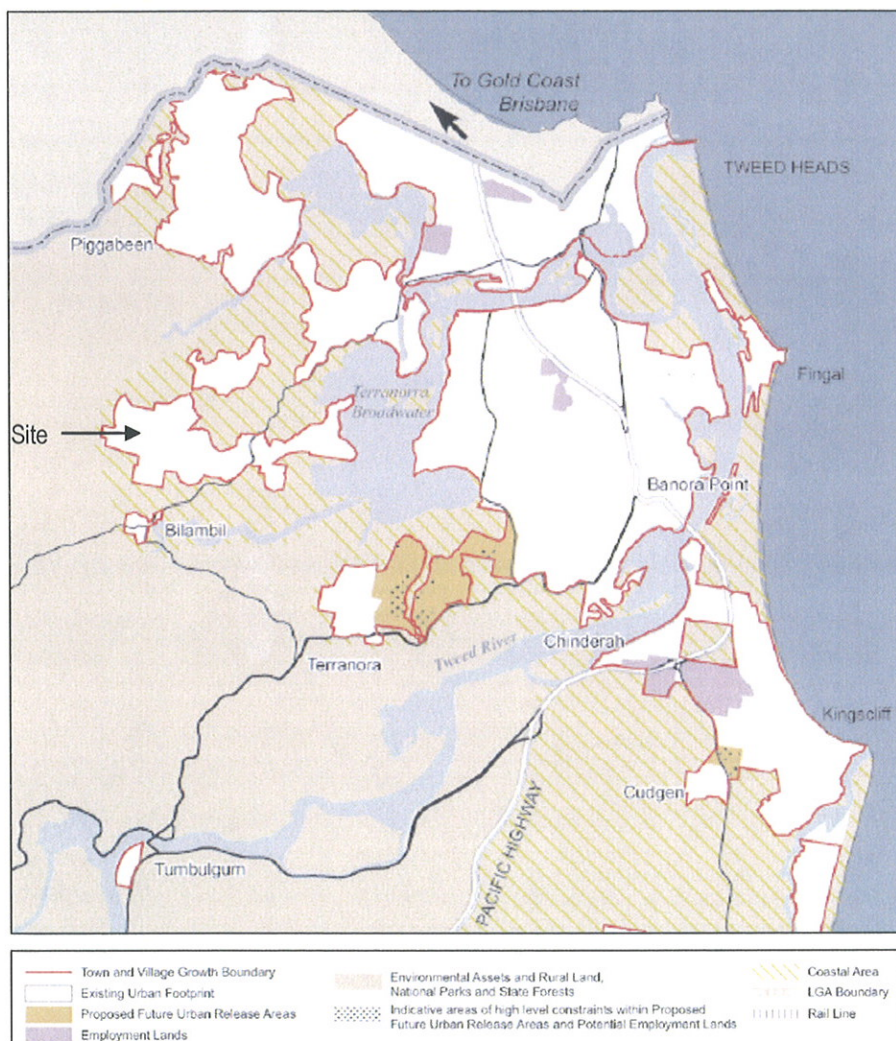


Figure 4: Excerpt from the Far North Coast Regional Strategy Map (Tweed)

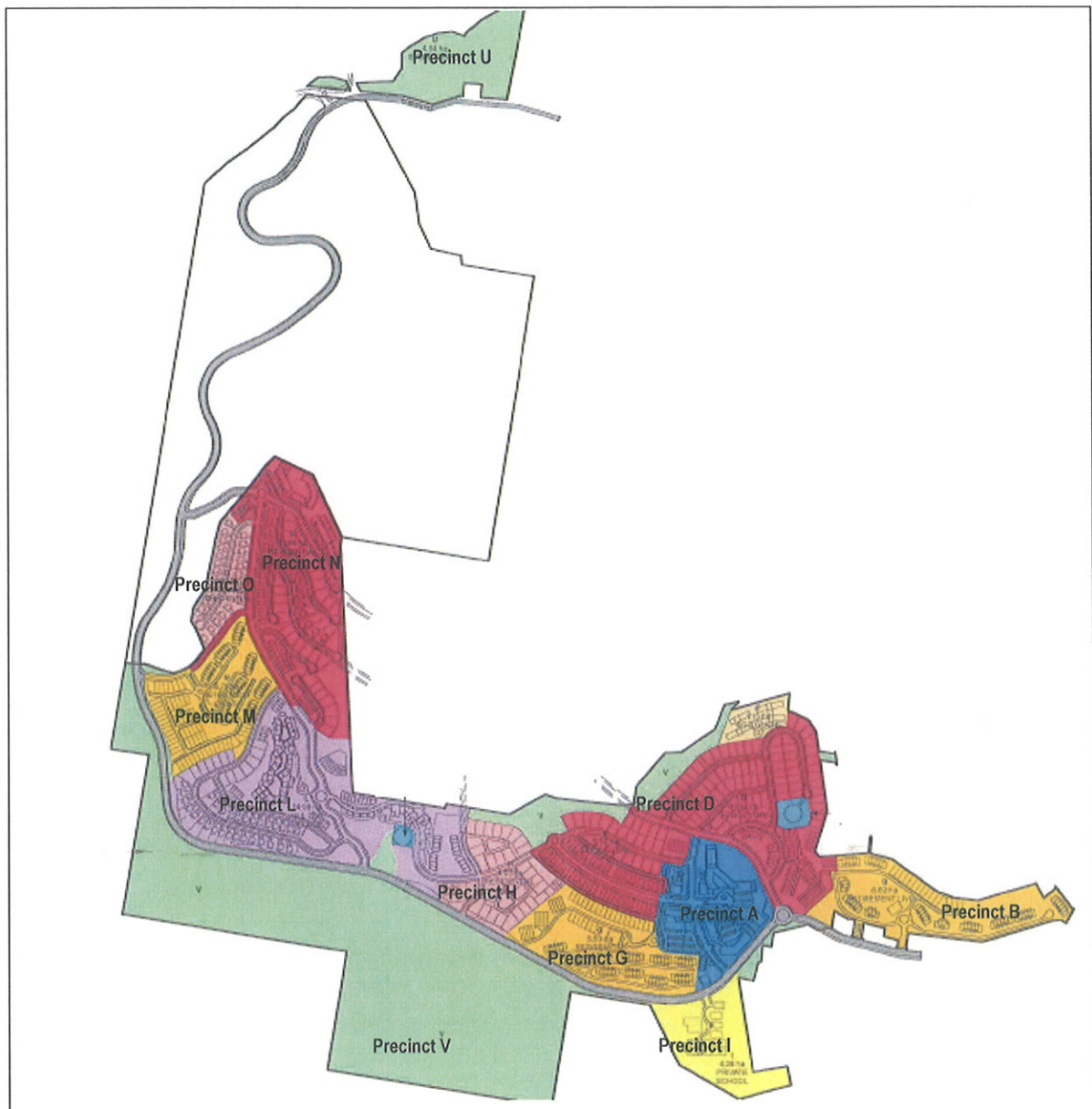
## 2 PROPOSED DEVELOPMENT

## 2.1 The Concept Plan

Approval pursuant to Section 750 of the Environmental Planning and Assessment Act 2000 is sought for a Concept Plan comprising of the following land uses:

- A mix of residential development with a total of 1,604 dwellings lots
- Commercial and retail land uses in a local village centre and hilltop village centre
- Open space and conservation lands
- A private school
- Nursing home (200 beds)

An overview of the Precinct's is provided in **Figure 5** and **Table 1** below



**Figure 5: Proposed Concept Plan**



**Table 1: Proposed Precincts**

Precinct	Predominant land use	Approx area (ha)
A	Village centre	6.00
B	Retirement living	6.62
C	Reservoir	0.47
D	Low density housing	10.37
E	Low density housing	5.52
F	Nursing Home	1.15
G	Retirement living	5.93
H	Medium density housing	4.03
I	Private school	4.26
K	Reservoir	0.24
L	Hilltop Village	14.98
M	Retirement living	5.79
N	Residential	11.55
O	Hilltop residential	2.35
U	Unstructured sports park	4.54
V	Open space & conservation	38.80

## 2.2 Residential

A total of 1,604 residential lots are proposed to provide for the following mix of dwelling type:

- 427 Single dwellings
- 563 Multi-unit dwellings (including 160 hotel apartments)
- 598 Retirement dwellings (mix of single and apartment style dwellings)
- 16 shop top dwellings

## 2.3 Retail and Commercial

The concept plan includes retail and commercial land uses in the Hilltop Village and Village Centre Precincts. This includes 4,447m<sup>2</sup> gross floor area of retail and 5,300m<sup>2</sup> gross floor area of commercial.

The local village centre concept includes, a supermarket, local shops, office and retail space, child care facility, community hall, tavern, recreation areas and facilities, hospitality training facilities, hotel accommodation (8 storeys, 160 apartments) and three residential apartment buildings (4-6 storeys).

The hilltop village centre concept includes; local shops, art galleries, art studios, residential apartments, cafes and a health spa.

## 2.4 Open Space and Environmental Conservation Lands

The Concept Plan proposes approximately 9 ha of open space throughout the precincts to allow access for residents to open space close to where they live. As Rise is being undertaken as a Community Title subdivision the areas of open space are a mix of private, semi-private and public open space. These spaces include local parks, hillside parks, a community events lawn, and urban plaza areas.

The Concept Plan also sets aside 39 hectares of conservation land which includes high conservation areas containing identified threatened species and native vegetation. This area is proposed to be zoned E2 Environmental Conservation as part of the draft amendment to the State Environmental Planning Policy (Major Projects) 2005. Rehabilitation of these areas is proposed as part of the Site Rehabilitation and Pest Management Plan supplied by the Proponent.

## 2.5 Building Heights

The majority of the dwellings proposed in the Rise Estate are 2-3 storeys in height, with some 4 storey buildings in the Hilltop Village and up to 6 storeys in the Village Centre. The proposed heights are shown in **Figure 6**.

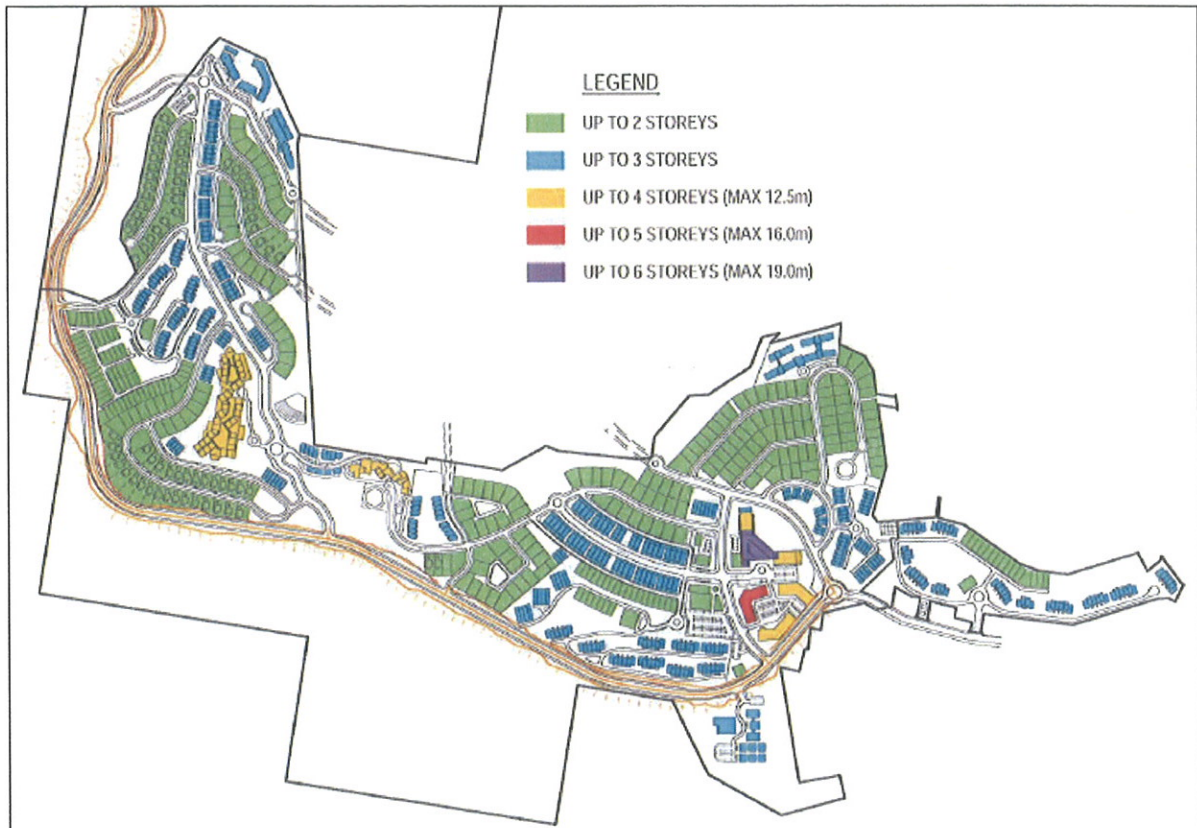


Figure 6: Building Heights Plan

## 2.6 Internal Road Infrastructure

The application seeks approval for the proposed road layout in concept. Further applications to the Tweed Shire Council will be required for the detailed design and road construction.

To provide the main access through the development a new Neighbourhood Connector Road (referred to hereafter as Spine Road) is proposed which extends between Marana Street, down the western side of the property to Cobaki Road. Spine Road will be two-lane and will provide connections to the other private roads which provide access to the remainder of the Rise Estate.

The roads that connect to the external road network (Spine Road including the connection to Marana Street and the road that connects Spine Road to McAlisters Road) will be public. All other roads within the estate are proposed to be privately owned and managed as part of the Community Title Subdivision.

## 2.7 Subdivision

### Torrens Title - super lot subdivision

The Concept Plan involves a super lot subdivision to create 5 lots as follows and as shown in **Figure 7**:

- Lot 934 (4717m<sup>2</sup>) for the lower level reservoir
- Lot 935 (2407m<sup>2</sup>) expanded high level reservoir
- Lot 936 (117.38ha) future urban footprint
- Lot 937 (66.8ha) residue lot (not part of this application)
- Lot 938 (4.513ha) proposed unstructured open space

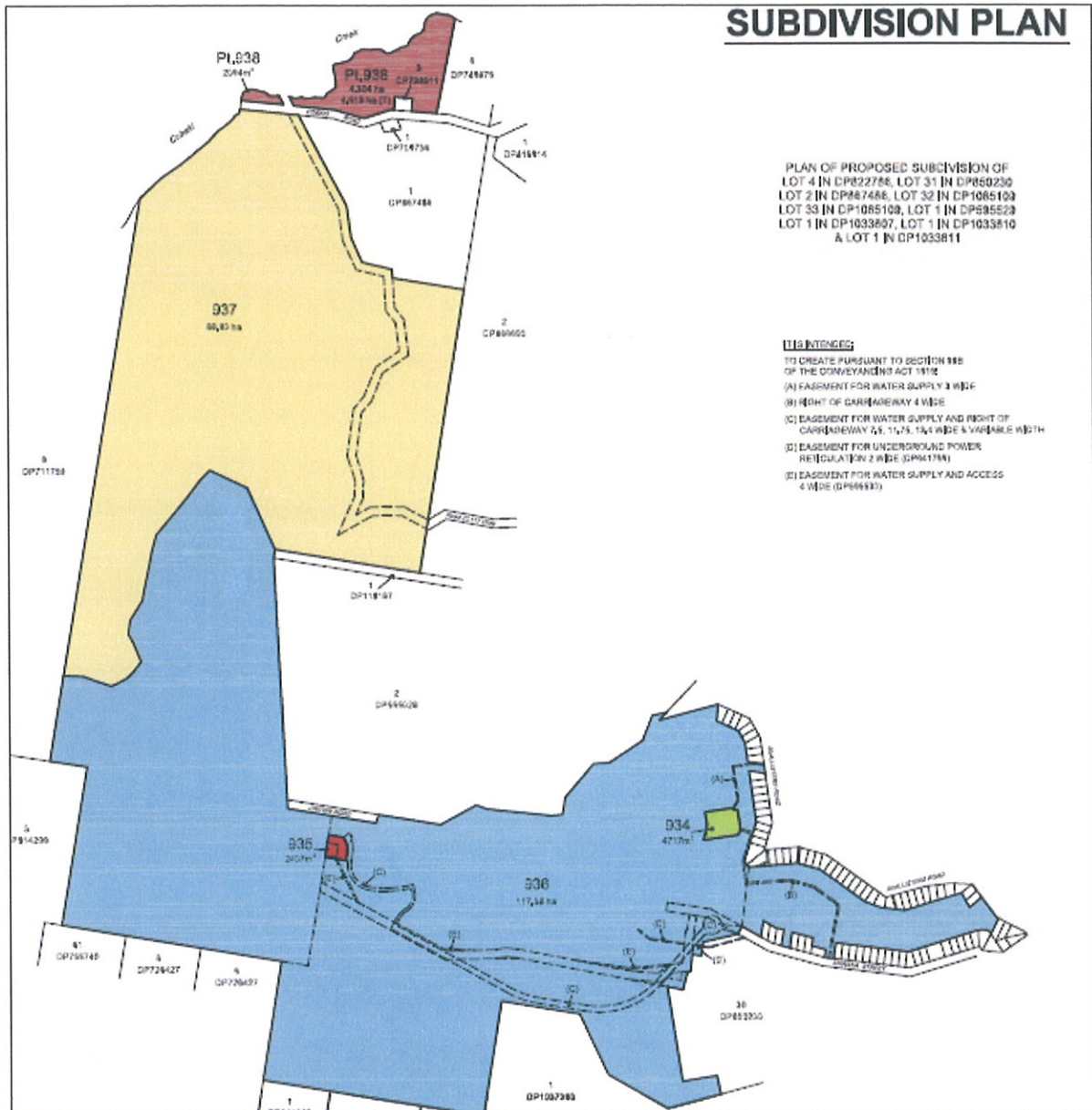


Figure 7: Super Lot Subdivision Plan

### Community Title - subdivision

The urban footprint of Rise (proposed Lot 936) is to be further subdivided as part of a Community Title subdivision under the Community Land Development Act 1989. The Community Title subdivision will be subject to future applications to the Tweed Shire Council. The Community Title subdivision will allow for the creation of individual lots within each precinct and will mean that all common areas, including local roads and parks, will be managed as association property.

## 2.8 Development Staging

Figure 8 below demonstrates the indicative staging for the development of Rise.

The Proponent submits that the staging of the development is dependant on the capacity of supporting infrastructure and economic factors.

The development capacity of the site is constrained by the capacity of the local road network. Access to the site in the first stages will be from Marana Street at the eastern end of the site. Marana Street links the site to Tweed via Spine Road and Kennedy Drive.



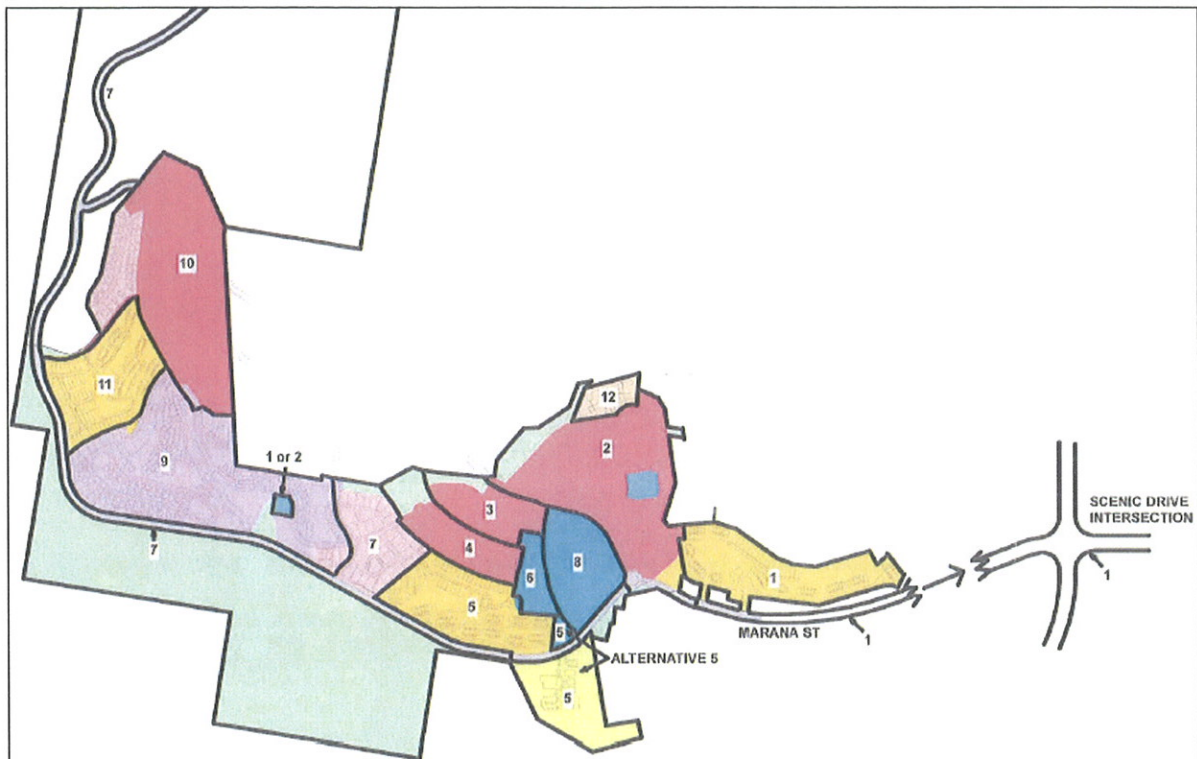


Figure 8: Indicative Sequencing Plan

The Rise development has been allocated 3,221 vehicle movements per day on Kennedy Drive in Council's traffic modelling. This approximately allows for the development of up to Stage 5 (estimate based on conceptual land uses proposed in each stage). Once the development has reached the maximum capacity of Kennedy Drive further development of the site is reliant on the completion of Spine Road and its connection to Cobaki Parkway and a potential interchange with the Tugun Bypass.

## 2.9 Project Amendments

In response to issues raised in submissions, the Preferred Project Report included amendments to the original proposal listed below.

- The original application included buildings of 8 and 6 storeys in both the Village Centre and Hilltop Village. Following concerns raised by the Department of Planning and Tweed Shire Council a reduction in height limits has been proposed (refer to Section 2.5).
- Provision of additional road connections to the adjoining land to the east of the site have been provided to ensure connectivity with the potential future development of the remainder of the Bilambil Heights release area.
- Development within the area south of Spine Road has been removed from the Concept Plan, resulting in an additional 1.58ha of conservation lands.
- The concept for a sports park within the area to the north of the site, referred to as Precinct U, has been deleted from the Concept Plan.
- A proposed rainwater harvesting and reuse system has been removed from the Concept Plan as Council advised connection to potable water supply would be required in addition to the reuse system.

### 3 STATUTORY CONTEXT

#### 3.1 NSW Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Major Projects) 2005

On 30 September 2008 the Minister for Planning determined that the development was a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) and authorised the submission of a Concept Plan. The proposal was deemed to be a Major Project as it consists of residential and commercial development with a Capital Investment Value (CIV) of more than \$50 million and, in the opinion of the Minister, achieves State or regional planning objectives pursuant to Clause 13, Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 (MP SEPP).

A draft SEPP to list the site under Schedule 3 of the MP SEPP has now been prepared and is the subject of a separate submission to the Minister. The draft SEPP proposes to rezone the site to enable the development proposed under the Concept Plan.

#### 3.2 Tweed Local Environmental Plan 2000

The site is located within the Tweed LGA and as shown in Figure 9 below currently includes the following zones under the Local Environmental Plan (LEP) 2000.

- 1 (a) Rural (5.98ha)
- 2 (c) Urban expansion (40.47ha)
- 5 (a) Special use (0.08ha)
- 6 (b) Recreation (64.06ha)
- 7 (d) Environmental (scenic escarpment) (11.31ha)

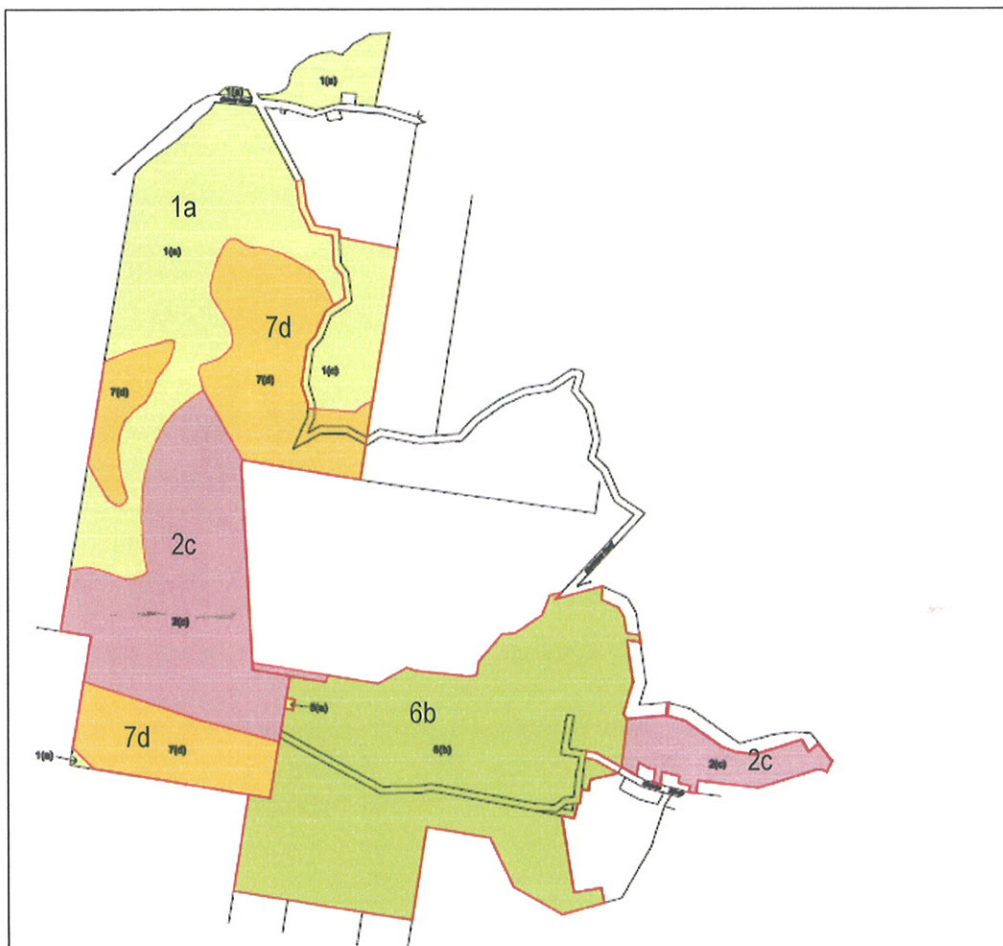


Figure 9: Zoning of the site under the Tweed LEP 2000

The proposed commercial and residential uses are prohibited within the Special Uses 5(a) Zone which includes the majority of the eastern portion of the site. In addition the proposed heights do not comply with Clause 16 of the LEP which applies a 3 storey height limit across the site.

The determination of this Concept Plan is not contingent on the timing of the rezoning as Sections 75R and 75O of the Act allow the Minister to approve a Concept Plan for development that is not zoned appropriately.

### **3.3 Draft Tweed Local Environmental Plan 2010**

Tweed Shire Council is currently in the process of preparing the Standard LEP for the Tweed Shire. The Draft Tweed LEP 2010 has recently been on exhibition (exhibition finished 30 April 2010) and Council are in the process of reviewing the submissions.

The Draft Tweed LEP 2010 proposes to convert the existing zoning for the site into the equivalent standard LEP zones which means the area zoned Environmental 7(d) becomes Environmental Conservation E2, Recreation 6(b) becomes Private Recreation RE2 and land zoned Urban Expansion 2(c) becomes General Residential R1.

### **3.4 State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The Proponent has provided a Contamination Report that reviews and consolidates previous contamination assessments undertaken on the site. The Report concludes that the site is suitable for future use and recommends further assessment is undertaken on these areas and the preparation of a Remediation Action Plan. The Proponent has listed in their Statement of Commitments that the recommendations of the Contamination Report will be complied with and any contaminated site will be identified and suitably remediated.

### **3.5 State Environmental Planning Policy (Infrastructure) 2007**

The main objectives of the SEPP Infrastructure are to facilitate the effective delivery of infrastructure by improving regulatory certainty through consistent planning management for infrastructure and providing greater flexibility in the location of infrastructure and service facilities.

Schedule 3 of the SEPP lists traffic generating development that is required to be referred to the Roads and Traffic Authority (RTA). The Roads and Traffic Authority (RTA) have been consulted accordingly and did not raise any significant issues to be addressed for the Concept Plan. Comments received from the RTA concerned the design standards for local road upgrades. These comments are more relevant to future development assessments of the detailed road design. A requirement to address the RTA's comments as part of future approvals has been incorporated into the recommended further assessment requirements of the Concept Plan approval.

### **3.6 NSW Threatened Species Conservation Act 1995 (TSC Act) and Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

The site contains 1 Endangered Ecological Community (EEC) - lowland rainforest, 15 threatened flora species and 8 threatened fauna species listed under the TSC Act. 8 of the threatened flora species are also recorded in the EPBC Act.

Under the EPBC Act it is necessary to obtain an approval from the Commonwealth Minister for the Environment and Heritage to carry out a "controlled action" where it is likely to have a significant impact on a "matter of national environmental significance". Under the EPBC Act, matters of National Environmental Significance include listed threatened species, ecological communities and migratory species.

The Proponent has not applied for approval under the Bilateral Agreement between the Commonwealth and NSW Governments for assessment under Part 3A, the Environment Planning and Assessment (EP&A) Act as part of the assessment of the Concept Plan. It is therefore noted that further approvals may be required.

### **3.7 Native Vegetation Act 2003**

The Native Vegetation Act 2003 requires approvals for works to clear native vegetation. Section 5 of the Act provides that the Act does not apply to land described in Part 3 of Schedule 1 which includes land within a zone



designated "residential" under an Environmental Planning Instrument. As the proposed amendment to the SEPP (Major Projects) will rezone the majority of the site R1 General Residential it is likely that no further approvals will be required.

### 3.8 Water Management Act 2000

Approvals are required under the Water Management Act 2000 for certain activities that will be undertaken on the site including dewatering. Under 75U of the Act, where a Concept Plan has been approved these activities still require separate approval under the Water Management Act 2000 but the "Integrated Development" procedures under Part 4 would not apply to the corresponding Development Application.

## 4 CONSULTATION AND ISSUES RAISED

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### 4.1 Director-General's Environmental Assessment Requirements

The Director General's Environmental Assessment Requirements (DGRs) were issued on 5 February 2009. The DGRs for the proposal are included at **Appendix A**.

In the course of preparing the DGRs, the Department consulted with the Roads and Traffic Authority (RTA), the Department of Environment and Climate Change (DECC), the Department of Water and Energy (DWE) the NSW Rural Fire Service, the Northern Rivers Catchment Authority, and Tweed Shire Council.

The DGRs also required the proponent to consult with all of the above as well as, the NSW Department of Primary Industries, NSW Ministry of Transport, additional NSW Emergency Service agencies (the NSW Police Department, the Ambulance Service of NSW, the State Emergency Service), and all utility providers.

### 4.2 Public Exhibition and Notification

The EA was exhibited from Wednesday 19 August 2009 to Friday 18 September 2009 for a period of 30 days and was published in the Sydney Morning Herald and Tweed Link (Council's local newspaper). Neighbouring residents/landowners were also notified of the exhibition by mail by the Department.

The EA was made available to the public at a number of sites including:

- Department of Planning, Information Centre, 23-33 Bridge Street, Sydney;
- Tweed Shire Council, Civic & Cultural Centre, Tumbulgum Road, Murwillumbah; and
- Tweed Shire Council, Tweed Heads Branch Office, Brett Street, Tweed Heads.

The Preferred Project Report was lodged on 24 February 2009 and it was placed on the Department's website in accordance with the Department's policy.

### 4.3 Submissions

The Department received a total of 28 submissions comprising 17 submissions from the public and 11 submissions from public authorities.

The Department is satisfied that adequate public consultation for the proposal has been undertaken in accordance with the legislation.

An assessment of the key issues has been undertaken in **Section 5** of this report. The proponent's response to submissions in the PPR is in **Appendix B**. A summary of all submissions received can be found in **Appendix C**.

## 5 ASSESSMENT

### 5.1 Legislative Requirements of the Director-General's Report

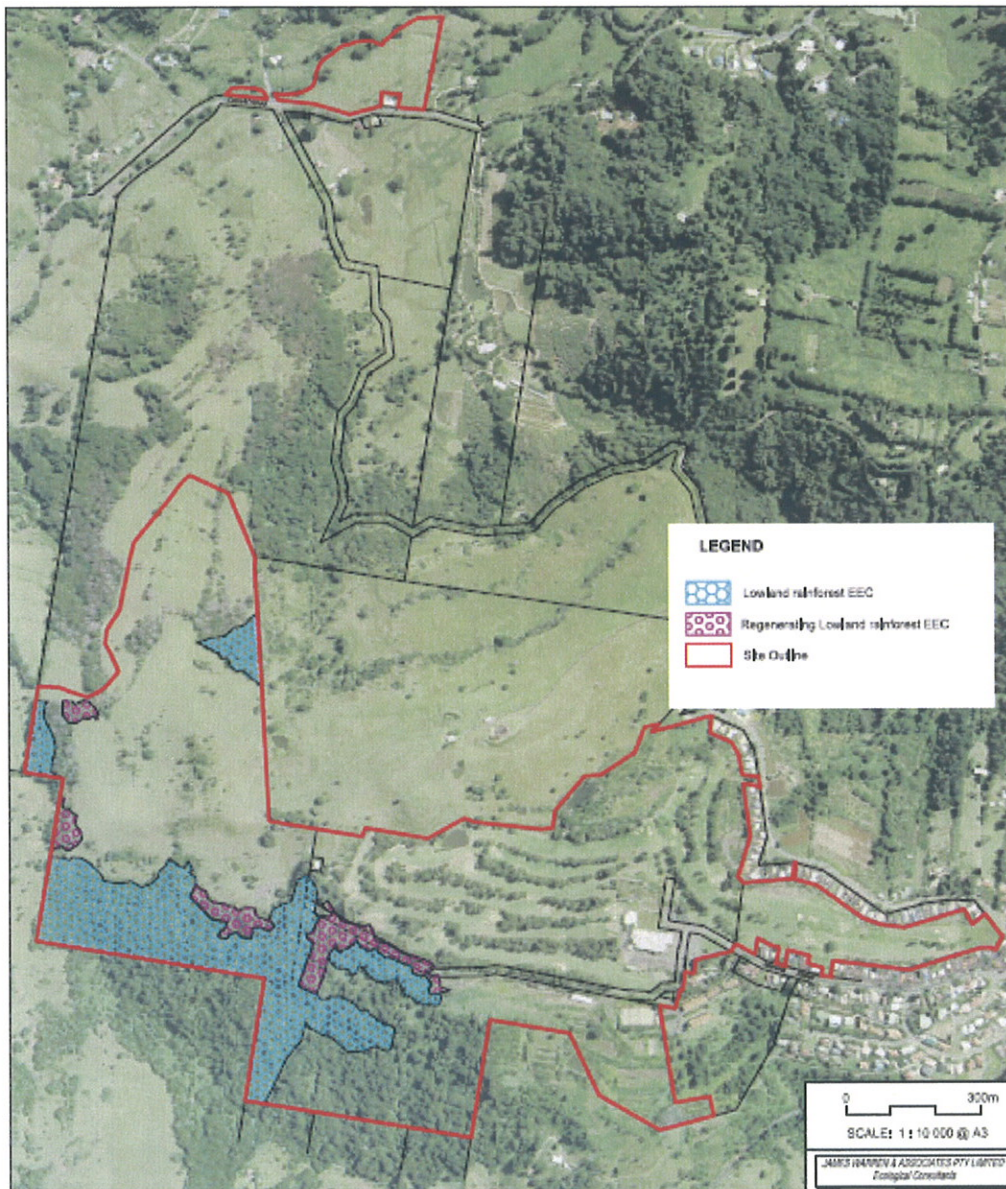
Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director-General's report is to address a number of requirements in the Director General Report. These matters and the Department's response are set out in Table 1 below.

Table 2: Department's response to legislative assessment requirements

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA and Preferred Project Report are included as appendices to this report.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at <b>Appendix C</b> of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to all environmental planning instruments is provided in section 4 of this report and in the attachments.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proponent's EA addressed the Director-General's Environmental Assessment Requirements and is considered to have satisfied those requirements as addressed in this report. Refer to the Conclusion in Section 6 of this report for a statement relating to this requirement.
<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 5 of this report.
The suitability of the site for the project	This report assesses the suitability of the site for the project in discussion of the key issues in section 5.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 5 and <b>Appendix C</b> of this report.

## 5.2 Ecological Impacts

As noted in Section 1.1, the site has high conservation value. One endangered ecological community (EEC) - lowland rain forest has been identified on site along with 17 vulnerable or endangered flora species and 8 threatened fauna species. The areas where EEC has been identified are shown in **Figure 10** below.



**Figure 10: Location of Lowland Rainforest (endangered ecological community)**

### Impact on Flora

An assessment of the impacts on Flora undertaken by James Warren & Associates, dated 2009, concludes the Concept Plan will require the removal of approximately 3.06 ha of native vegetation communities (summarised in the **Table 3** below).

The most significant removal is 1.75 ha of tall closed rainforest (community 2) and 1.31 ha of regenerating rainforest (community 4), which are identified as EEC - Lowland Rainforest. The proposed removal will also potentially result in the loss of 217 stems of endangered flora species, including 10% of Fine leaved tukeroo (*Lepiderema pulchella*), 35.8% of Stinking laurel (*Cryptocarya foetida*), and 7.4% of Rough shelled bush nut (*Macadamia tetraphylla*) identified on the site.

**Table 3 Removal of Native Vegetation Communities**

Vegetation community	Total area on site (ha)	Area to be removed (ha)
Community 1 - tall closed forest ( <i>Cinnamomum camphora</i> & mixed species)	8.77	0.33
Community 2 – tall closed forest (mixed species) (EEC)	17.13	1.75
Community 3 - tall closed forest ( <i>Lophostemon confertus</i> )	0.35	0.35
Community 4 – regrowth closed forest (mixed species) (EEC)	3.39	1.31
<b>Total</b>	<b>29.64</b>	<b>3.74</b>

As shown in **Figure 10**, the largest concentration of lowland rainforest identified is located to the south west of site. This area also has high concentrations of vulnerable and endangered flora species. It forms Precinct V of the Concept Plan, south of the Spine Road alignment. It is to be zoned E2 in the proposed amendment to the Major Projects SEPP.

As a result of concerns raised by the TSC and DECCW a 2ha area of development that was proposed within Precinct V (referred to as Precinct J) has been removed from the proposal in the Preferred Project Report. Development within this area was not supported as it would result in the fragmentation of the land proposed to be zoned E2 and have the potential to impact the remanent of the Lowland Rainforest located in this area by isolating portions and restricting movement of fauna. This area will now be rehabilitated as part of the offsets outlined below.

DECCW also raised concerns regarding the removal of EEC and threatened flora species that results from the alignment of Spine Road. The proponent has advised that the proposed alignment of Spine Road is a result of consultation with TSC and has been dictated by the engineering constraints on the site which include steep gradients through the west portion of the site. Where possible areas of EEC have been avoided and TSC has also agreed to the proposed alignment.

#### Impact on Fauna

The survey undertaken by James Warren & Associates recorded 8 threatened fauna species and 5 migratory species on the site. It also identified a further 14 threatened fauna species that were likely given the habitats present. The proposed vegetation removal will result in a loss of habitat for these species. The assessment undertaken concludes that the impacts on the species can be mitigated by the deletion of Precinct J and through provision of suitable replacement habitat in the rehabilitation of areas on the site as outlined below.

#### Corridors

The site is located across sections of the Macpherson Range-Cobaki-Terranora Regional and the Bilambil Subregional ecological corridors<sup>1</sup>. The proposed vegetation removal will have some impact on the continuity of the corridors, which have already been compromised by previous vegetation removal.

The majority of the remaining vegetated areas of the Bilambil Subregional Corridor will not be impacted as it forms part of the southern area of EEC to be retained (Precinct V). However, the Macpherson Range-Cobaki-Terranora Regional Corridor is largely located within the proposed development footprint. The assessment undertaken by James Warren & Associates notes that as large areas of these corridors are already cleared the proposed revegetation and rehabilitation strategies outlined below will improve connectivity of habitats.

#### Rehabilitation and Offsets

A Site Rehabilitation & Pest Management Plan 2009 has been developed for the site. To mitigate the loss of the threatened flora species and EEC and to provide mitigation for threatened fauna habitats, rehabilitation areas are proposed to the south east of the site (as shown in **Figure 11**).

In total, 6.49 ha of replanting of native vegetation and 24.69ha of rehabilitation works (no planting, weeding only) is proposed in the rehabilitation areas. This will effectively result in a 1.58 ha gain in native vegetation on the site at completion.

The rehabilitation areas will provide offsets for the removal of EEC and of threatened flora as follows:

<sup>1</sup> NPWS Key Habitats and Corridors database.



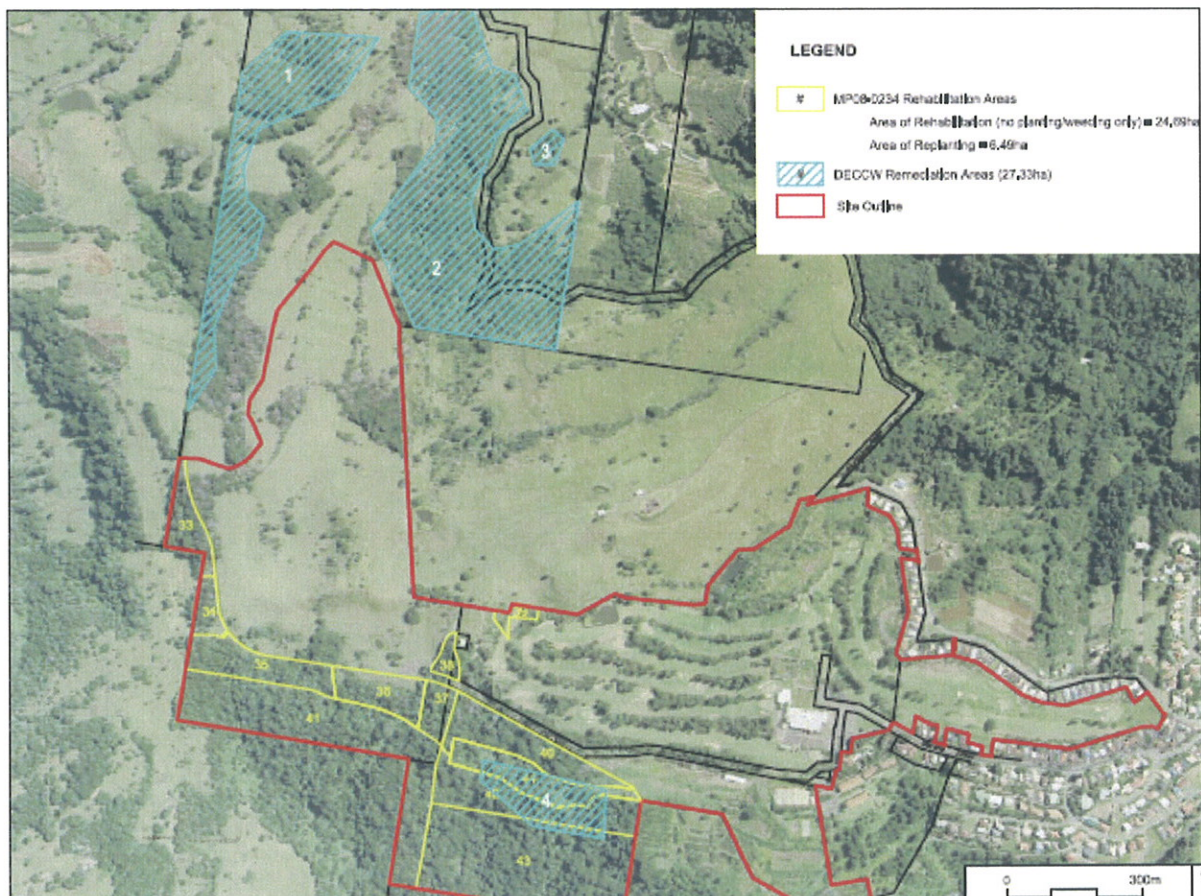
- To mitigate the removal of 3.06 ha of EEC the rehabilitation areas will include restoration and revegetation works to provide approximately 11.43ha additional EEC on the site.
- Offsets for the removal of threatened flora will be provided at a minimum rate of 5 re-plantings to every removal.

It is proposed that Individual Rehabilitation Management Plans are to be developed for each of the rehabilitation areas. It is noted that both DECCW and TSC have raised concerns regarding the adequacy of the fauna survey undertaken to inform the assessment and the detail of the rehabilitation/replanting works to be undertaken. It is therefore recommended that more detailed fauna surveys and rehabilitation methodologies are provided as part of the Rehabilitation Management Plans to be approved as part of future approvals for each relevant stage.

#### Remedial Work Notice for Past Removal of Vegetation

During 2006 illegal clearing of over 1,200 plants including threatened species was undertaken on the site. The contractor has since been prosecuted and DECCW has issued a Remedial Work Notice under Section 38 of the Native Vegetation Act. As required by the Remedial Action Notice areas of remediation (in addition to those outlined above) have been agreed to with DECCW. These areas are also shown on **Figure 11** below.

Only Area 4 (2.72ha) of the DECCW remediation areas forms part of the Concept Plan. The Proponent notes that under the requirements of the DECCW notice this site will be cleared of non-native species and as proposed for mitigation under the Concept Plan it will be replanted with locally endemic native species.



**Figure 11: Rehabilitation areas including areas required by DECCW Remedial Work Notice**

#### Buffers

To ensure that areas of vegetation to be retained and rehabilitated are protected during and post construction, buffers are proposed as follows:

- A 5m buffer is proposed around to threaten flora specimen to be retained.
- A 10m vegetated buffer is proposed around areas of ECC identified to the south of the site (Precinct V)

### Recommendation

It is considered with the removal of Precinct J from the Concept Plan, establishment of the rehabilitation areas and buffers areas, and approval of rehabilitation strategies, adequate mitigation has been provided for the loss of vegetation proposed. It is recommended that the regeneration strategies are reviewed and approved at the time of the applicable to development application for each stage.

### **5.3 Heritage**

There are no local or State listed heritage items on the site.

A Cultural Heritage Assessment was undertaken by Everick Heritage Consultants Pty Ltd, dated June 2009. The assessment included a desktop review, field inspections, and consultation with the Tweed Byron LALC and other Aboriginal Stakeholders. No items of Indigenous heritage were identified.

A system of small crop terraces dating from the mid-20th century was identified on a ridge on the northern portion of the site. Although the terraces are considered to be significant to Aboriginal and South Sea Islander individuals who were employed to pick the crops, the assessment concludes that the terraces are not of such significance that they should be retained. The assessment recommends a heritage recording of the terraces and associated infrastructure be made including documentation of consultation with Aboriginal/South Islander People about their significance.

The assessment also recommends a number of protocols to be adopted during clearing works. Protocols include engaging a member of the Aboriginal Community in post clearing works, establishing a monitoring area, and appropriate actions followed in the event cultural objects or human remains are uncovered during works. These recommendations were reinforced in the submission made by DECCW which notes that although no items of indigenous heritage were identified on the site, the local Aboriginal community have identified some locations within the development footprint where objects may be identified. DECCW therefore recommends involvement of the Aboriginal Community in post clearing works.

The Assessment of Environmental Effects notes that the recommendations of the Cultural Heritage Assessment will be implemented as part of the proposal.

### Recommendation

It is considered that with the adoption of the recommendations of the Cultural Heritage Assessment Report, including undertaking a heritage recording the crop terraces and adoption of protocols during clearing works, any potential impacts on heritage can be effectively mitigated.

### **5.4 Traffic Generation and Network Capacity**

The Rise site is currently accessed to and from Tweed Heads via roads connecting to Kennedy Drive. Tweed Shire Council's traffic model allocates a maximum of 3,221 vehicle movements per day (VPD) to Rise.

A Traffic Impact Assessment has been undertaken by Carter Rytskild Group 2009 to estimate traffic generation and assess the potential impact on the surrounding road network. The assessment estimates a potential traffic generation of 12,875 VPD for the proposed concept plan. Using the distribution rate of 68% of vehicle trips using Kennedy Drive, agreed to by TSC<sup>2</sup>; approximately 526 detached dwellings<sup>3</sup> (or equivalent) can be accommodated by the existing capacity of Kennedy Drive. This allows for the development of up to approximately Stage 5 of Rise.

To achieve the 3,221 VPD on Kennedy Drive, upgrades to the local road network are required. The proponent has identified some of these works required including widening of Marana Road, upgrades to Cobaki Rd and upgrades to the Simpsons Dr/Scenic Dr intersection. TSC has advised that approval of design of these works and further information regarding the timing of these works is required.

The remaining stages of Rise (approximately 1278 dwellings and 10,347m<sup>2</sup> GFA of commercial and retail space) are reliant on the completion of the internal Spine Road and its potential connection to the Tugun Bypass via Cobaki Parkway and Boyd Street. Until all necessary agreements are in place for the completion of these connections the development of Rise is restricted to the capacity of Kennedy Drive.

<sup>2</sup> Agreed to by Tweed Shire Council based on

<sup>3</sup> Based on RTA standards used for detached dwelling: generation rate of 9 trips per day



### Cobaki Parkway and Boyd Street

Cobaki Parkway is identified in Council's Section 94 Plan and is to be built as part of the proposed Cobaki Lakes development (subject to a separate assessment by the Department of Planning). It is an extension of Boyd Street which provides a connection to the Gold Coast Highway in Queensland, as shown on the map below. It will ultimately connect with Piggabeen Road to the south providing a link from Rise to the Gold Coast Highway.



Figure 12: Local Road Network

The capacity of Boyd Street is also constrained. Agreements have been reached between the proponent of the Cobaki Lakes development and relevant government bodies for the upgrade of Boyd Street. However, the Gold Coast Council have advised the upgrade to Boyd Street will increase capacity allowing for the release of 4,400 dwellings on the Cobaki Lakes and does not provide sufficient capacity to carry the traffic generated by the entire Cobaki Lakes Development as well as the vehicle trips generation of remaining stages of Rise.

### Tugun Bypass Interchange

Tweed Shire Council's Road Development Strategy July 2007 identifies the need to investigate an interchange from Boyd Street to the Tugun Bypass to accommodate future growth within the Bilambil Heights release area due to the constraints of the existing network outlined above. Additional on/off ramps onto Freeway are identified in the Council's Section 94 plan. However no agreements with RTA and Queensland Main Roads are in place for the construction or contribution towards the construction of the interchange.

### Recommendation

Due to the constraints from existing road network outlined above, it is recommended a condition of approval require no development on the site beyond the capacity of Kennedy Drive (no more than 3,221 VPD) until necessary agreements are reached for increased capacity on the road network.

It is also recommended that future applications to the TSC for development approval of each Stage of Rise demonstrate the infrastructure requirements and upgrades required (refer to Section 5.13) and that there is (or will be) sufficient capacity in the local road network to accommodate the development.

## 5.5 Access

### Access to future development in the Bilambil Heights release area

The Rise site forms part of the Bilambil heights release area identified in the Tweed Residential Development Strategy and is the first site within the release area to be developed. TSC noted that road network in the Rise development should make adequate provision for future road connections to the remaining release area to ensure permeability with site and the rest of the release area. As a result, provision has been made in the Preferred Project Report for future access to be made to the remaining Bilambil Heights release area to the north of Precincts L, and E and to the east of Precinct N.

### Access to adjoining properties

In the first stages of the development the main access to the site will be via Marana Street. To accommodate an increase in traffic on Marana Street it is proposed to widen the carriageway. Access to existing properties off Marana Street should not be restricted as a result of the works. During construction management of construction traffic using Marana Street will need to ensure access to these properties are retained.

A tourist accommodation business, Terranora Resort, adjoins the site to the east of Precinct I. The resort car park is currently accessed through the site. Under the proposed Concept Plan the resort car park will adjoin an area of open space next to the Spine Road alignment. The proponent has agreed to provide access to the resort through the site.

### Recommendation

It is recommended that the Concept Plan be modified to require that vehicle access to the Terranora Resort be provided through the site between Marana Street and the existing resort car park. A further assessment requirement is recommended and requires details to be submitted to Council showing any interim access arrangements that are necessary to provide access to the car park while the Spine Road is under construction. Once the section of the Spine Road has been completed and dedicated to Council, the Resort be permitted to construct a driveway crossing onto the Spine Road.

## 5.6 Public Transport

The site has limited access to public transport. A private bus company, contracted by the Tweed Shire Council, currently provides regular bus services to the west end of Marana Street.

In consultation with the Proponent the private bus company has noted that an extension of subsidised services into Rise is dependant on approval from the NSW Department of Transport and would require a test of viability. For this reason the proponent has requested deletion of DCP Clause A52.2 which requires "public transport and community services be provided from initial stage of Development".

### Recommendation

The initial stages of Rise (stages which can be constructed prior to the connection with the Tugun Bypass) are within close distance to the bus stop on Marana St. Once the development is beyond these initial stages an extension to public transport services may become viable. It is therefore recommended that Spine Road be designed with adequate width so that it can provide for an extended public bus route in the future.

## 5.7 Urban Design and Subdivision Layout

A set of design reports have been produced to form proposed Urban Design Guidelines for the Concept Plan. This includes an overarching Architecture and Urban Planning Report March 2009 produced by ML Design and a Landscape Open Space Concept Plan Report and a Streetscape Concept Plan Report produced by EA Design. The Urban Design Guidelines show typical street sections, street hierarchies, building cross sections, locations of parks, and indicative public domain treatments.

### Dwelling Type

The urban design of Rise is based on a Hilltop Village concept split into a series of precincts which provide a range of dwelling types and lot sizes. This includes retirement living precincts with a mix of apartments, cottages and two storey villas, hillside residential precincts with and low and medium density housing precincts.

The mix of dwelling types is consistent with the directions Far North Coast Regional Strategy 2009, which identifies the need for more diversity in housing type to cater for changing household structures, particularly with

an increase in one to two person households. The Strategy also identifies the need to cater for an aging population in the Region which supports the inclusion of retirement living precincts in the Concept Plan.

Accordingly it is considered that the Concept Plan provides an appropriate mix of housing types.

#### Building Heights

The majority of the dwellings proposed in the Concept Plan are 2-3 storeys in height, with some 4 storey buildings in the Hilltop Village and Village Centre precincts. The proponent has also proposed buildings up to 5 and 6 storeys in the Village Centre.

The inclusion of buildings which are more than 3 storeys in height is a deviation from what is envisioned in the current Tweed LEP 2000. The objective of the height limit imposed by the LEP is "to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land". Furthermore, the North Coast Urban Design Guidelines, released by the Department of Planning in 2009, describes design characteristics for 'inland villages' which indicates that both commercial and residential dwellings in this settlement type are generally of one or two storeys.

The Tweed Shire Council has raised concern that the proposed increase in heights will impact on the visual amenity values associated with the existing landscape and the Proponent's Assessment of Environmental Effects has not satisfactorily demonstrated the public benefit of the proposed increase in height.

Following a review of the visual impact assessment (refer to Section 5.8 below) it is considered the proposed increase in heights will potentially have an adverse impact on the visual and scenic qualities of the area and the general environmental amenity of the surrounding properties and be generally out of scale and character with the predominantly rural and low density housing. It is therefore recommended that the Concept Plan is modified to comply with a 13.6m height limit (which allows for the proposed 4 storeys) as proposed in the Draft Tweed LEP 2010 for most areas of the site.

The proponent argues a reduction in proposed heights in the Village Centre will result in a reduction in the number of dwellings and commercial floor space that can be provided and therefore impact on the economic viability of the development. However, it is considered that further investigation into provision of additional dwellings and floor space which minimises the impact of visual character of the area is required. The Concept Plan approval will allow the maximum yield for the development as proposed and approve indicative building footprints and height limits within which this is to be achieved. The exact number of dwellings and commercial floor space (up to the maximum approved), and the location of buildings are subject to further detailed design as part of future applications. Future applications will be assessed having regard to impacts on amenity and local character.

#### Subdivision layout and variations from the Tweed DCP

The proposed concept includes the indicative subdivision layout including design of roads and lots. Variations are sought from the Tweed DCP based on this concept which includes variations to the minimum height of retaining walls, site regrading requirements and road carriageway width.

As the proposed development is being undertaken as a Community Title subdivision, lot sizes and the design standards for roads, footpaths, cycle ways and open space which require variations to the Tweed DCP are acceptable where these areas stay in private ownership. However, the site preparation works and bulk earthworks are subject to future assessment and approval by Council.

The Concept Plan establishes a high level framework to guide future development of the site. Within this context it is not considered appropriate that the approval include detailed variations to the Tweed DCP with regard to earthworks. The Department's assessment and Proponent's Environmental Assessment has not included the level of detail that is required to properly assess the impact of the proposed variations. As the earthworks and site preparation works will be subject to further assessment and approvals by TSC it is considered the variations to the DCP are better assessed at that time.

#### Recommendation

The proposed urban design and subdivision layout for Rise is supported in concept with a reduction of proposed building heights to comply with a 13.6m height limit.

It is recommended that the proposed variations to the Tweed DCP in regard to earthworks and site preparation works (including retaining walls) are reviewed and approved at the time of the applicable to development application for each stage.

## **5.8 Visual impact**

The Rise site is located on an elevated ridgeline with views towards the Tweed centre. Views of the site can be gained from surrounding properties and the road network.

A Visual Impact Assessment has been undertaken by LVO Architecture, dated 29 March 2009. The assessment notes that the landscape character of the site and surrounding area is characterised by low density residential development, isolated pockets of residential interspersed with rural land and open space and hillsides with remnant forest. Portions of the site are zoned Environmental Protection (scenic/escarpment) due to their visual quality and biodiversity values.

The Visual Impact Assessment demonstrates that in areas where buildings are proposed above 3 storeys they will be visible from various locations, including from some locations a significant distance away. It concludes these buildings will "not negatively impact the visual landscape due to building heights being restricted to mature native tree height, neutral colour selection for building finishes and distance from viewpoints".

It is considered that the buildings above 4 storeys in height, although partially screened from view, will still be a significant change from the visual qualities associated with the existing rural residential landscape. Buildings visible along the ridgeline will change the rural character of this location and potentially detract from the scenic escarpment identified in other areas of the site. Although viewing the buildings from a distance will reduce their prominence, the sites visibility increases the local significance of the ridgeline.

The remaining components of the development are considered to be in keeping with the visual character associated with the surrounding area. Buildings of 2-3 storeys in height are similar to those in neighbouring residential areas and the majority of residential areas within Tweed. The Visual Assessment notes the development will be seen as natural extension to existing areas.

### Recommendation

With a reduction of building heights to 4 storeys as outlined above (in Section 5.7), it is considered the visual impacts of the proposed Concept Plan are consistent with that which is anticipated with development of the Bilambil Heights growth area.

## **5.9 Impact on Amenity of Adjacent Dwellings**

The site adjoins existing residential areas of Bilambil Heights to the east (along Marana Street). Residential properties are located along the boundaries of Precinct B and the eastern boundary of Precinct C. Development proposed along these boundaries includes residential lots and areas of open space.

The proposal will result in a change to the rural nature of this part of Bilambil Heights including urban development close to existing residential developments. With the exception of the visual impact of an increase in heights discussed above, this change is considered consistent to that which is anticipated as a result of the Far North Coast Regional Strategy which includes this area as part of the urban footprint.

Tweed Shire Council has raised concern that due to the size of the residential lots in these precincts and the 3 storey height limit, there is potential for existing views to be blocked. The positioning of buildings in Precinct B and Precinct C will need to be undertaken with consideration of potential impacts on existing dwellings including the potential for view sharing. Based on the indicative layout of buildings in these precincts B it is possible that appropriate setbacks can be achieved between buildings to achieve preservation of views. This will need to be assessed as part of future development approvals for the buildings.

### Recommendation

Potential impacts on views of existing dwellings are to be assessed in more detail in future applications.

## **5.10 Impact on Flight Paths**

The subject site is located south east of the Gold Coast Airport. Due to the natural terrain of Bilambil Heights any building within the site will penetrate the Obstacle Limitation Surface (OLS) for the Airport. Accordingly, buildings on the site are deemed a "controlled activity" under the Commonwealth Airports Act and require



approval under the airports protection of airspace regulations. The Gold Coast Airport has confirmed that the site is not affected by ANEF aircraft noise requirements.

The proponent has committed to obtaining approvals for buildings required under the airspace regulations prior to approval of development consents (SOC 30). The Gold Coast Airport has advised that approval will also be required for temporary structures during construction and further consultation with the Airport should be undertaken prior to application for approvals. The Airport has provided revised statements of commitment to address these requirements.

#### Recommendation

The Concept Plan should be modified to incorporate the statements of commitment recommended by the Gold Coast Airport.

### **5.11 Open Space**

A Landscape Open Space Concept Plan has been developed for the project by EA Design Group dated March 2009. The Concept Plan provides for a mix of private, semi-private and public open space within each of the precincts to allow access for residents to open space close to where they live. The Tweed Shire Council has confirmed that this meets the requirement under the Tweed Development Control Plan (DCP) for the provision of 3.47ha of *casual open space* to support the proposed projected population.

The DCP also requires 4.42ha of *structured open space* (sports fields) be provided. In consultation with Council the proponent has committed to dedicating and embellishing the required structured open space which meets the relevant DCP standards or alternatively pay a contribution in lieu of dedicating the land (SOC 26).

As the project is being undertaken by way of a Community Title Subdivision the areas of casual open space will remain in private ownership. The proposed open space, where possible, has been designed to meet the DCP development standards for public open space. Although management and maintenance of these areas will be the responsibility of the Community Title management entity designing them to Council's standards ensures they are of a standard that is easily maintainable (i.e. maximum gradients for landscaping) and safe for users.

Some of the areas of open space are proposed to be private. This includes areas associated with the retirement living precincts and the hotel accommodation. Remaining areas will be open to the public in accordance with the requirement for public access under the Community Land Development Act 1989.

#### Recommendation

With the provision of open space through out each of the precincts that is designed to Council's DCP standards it is considered that adequate open space has been proposed. The detailed design of the open space area and arrangements for its future ownership and maintenance/management can be addressed as part of future Development Applications. Section 94 contributions will also be determined between the Council and proponent and it is up to the Council to determine whether open space in a community title scheme is acceptable in lieu or in part for Section 94 contributions. There may also be s94 contributions required for the provision of regional open space.

### **5.12 Utilities Infrastructure**

Although the Rise development is to be undertaken as a Community Title Subdivision, Council has agreed to own, operate and maintain the potable water and sewer infrastructure provided it is constructed to Council's standards (DCP A5). The detailed design of the proposed infrastructure will be subject to further development applications to be assessed by Council. For the purposes of the Concept Plan the following proposed infrastructure has been considered in concept.

#### Water Supply

The Proponent has committed to ensuring that an adequate potable water supply is provided to the development (SOC21). This includes a commitment to provide water main easements within main roads and construction of the internal trunk water and local reticulation.

#### Sewer

The Proponent has committed to ensuring a reticulated sewer system is provided within the Rise Estate (SOC22). The Rise sewer system will connect to the existing Council system at the Gollan Drive pump station.

Council have advised that the Proponent will be responsible for providing the infrastructure to convey sewage from the development to the pump station.

#### Electricity, Telecommunications and Gas

The proponent has provided correspondence from utility providers that confirms the proposed development can be adequately serviced.

#### Recommendation

It is considered that the site can be adequately serviced. Further assessment of what infrastructure is required to service each stage will be required as part of these future applications, as outlined below in Section 5.13.

### **5.13 Development Staging**

As outlined in Section 2.8, Rise is likely to be developed over 10 stages. The timing of each stage is dependant on the capacity of supporting infrastructure and economic factors. The most significant constraint to the progression of the development (addressed in Section 5.4) is the capacity of the road network. The development of Rise will be restricted to the stage which generates a maximum of 3,221 VPD.

The staging plan provided as part of this Concept Plan is preliminary and is considered insufficient to assess infrastructure requirements and timing. TSC notes further information is required to confirm at what stage upgrades to local infrastructure proposed is required. This includes the timing of proposed upgrades to local roads (refer to section 5.4), the construction of the proposed water reservoir and associated infrastructure (including relocation of the trunk sewer), and an assessment of how each stage will be provided for by way of future works being undertaken by Council to increase capacity of Tweeds water supply.

In addition, as the design progresses future applications for each stage will need to demonstrate the VPD generated and how this impacts on the capacity of Kennedy Drive.

#### Recommendation

Due to the factors constraining the progression of the site, it is recommended that further assessment is undertaken to determine the infrastructure requirements to support each stage. The Concept Plan is to be amended to require an Infrastructure Plan to be assessed and approved by TSC as part of approvals for each stage.

### **5.14 Construction Management**

Due to the length of time the site is likely to under construction and the quantum of earthworks proposed, it is necessary that adequate construction management measures and be in place for the ongoing management and development of each stage. The site preparation works will be subject of future applications to be approved by TSC.

The Proponent has committed to preparing a Construction Management Plan (CMP) to outline strategies to manage the potential impacts during construction of each stage. The proposed Construction Management Plan will incorporate an Erosion and Sediment Control Plan and Site Safety Plan.

It is noted that due to the topography of the site large volumes of the earthworks will be undertaken to achieve building platforms and required road gradients, resulting in an excess of fill being generated (approximately 237,000m<sup>3</sup>). Although this volume of earthworks complies with Council's maximum cut and fill depths and site coverage given in the DCP (D6) it is considered where possible earthworks should be minimised.

This excess of fill will be required to be hauled from the site. As there is no area of disposal identified and the haul routes will include the use of local roads the CMP will be required to include strategies to minimise earthworks required, confirmation of disposal site and strategies to minimise the impact of hauling fill on local roads.

#### Recommendation

It is recommended that future applications to the TSC for development approval of each Stage of Rise provide a CMP for that stage, including details of bulk earthworks and details of where excess fill will be hauled to, including confirmation of haulage routes



### 5.15 Water Quality and Drainage

The Ecological Assessment undertaken by James Warren & Associates, dated 2009, assesses the potential impact on surrounding water ways in terms of water quality and aquatic eco-systems. The Assessment notes that the development has the potential to impact on the Cobaki Creek to the north of the site. To mitigate impacts a minimum 50m buffer is proposed between proposed works on Precinct U (which include the potential development of recreation facilities such as tennis courts) and the Cobaki Creek.

During construction, site protection measures will be implemented to control stormwater runoff and sediment control in accordance with Tweed Shire Council's "Code of Practice for Soil and Water Management on Construction Works" as required by the Development Design Specification D7 Stormwater Quality, June 2004. This will include measures to ensure untreated stormwater enters the Cobaki Creek.

Once constructed stormwater treatment is proposed in accordance with the requirements of BASIX. Council has indicated that BASIX requirements fall below that which is required for the site in Council's Integrated Water Demand Management Strategy. As the design of the stormwater treatment infrastructure is to be the subject of future approvals assessed by Council it is recommended that the design is to be generally in accordance with Tweed's DCP standards and further consultation is undertaken with Council regarding the compliance with the Council's Demand Management Strategy.

#### Recommendation

As the Concept Plan does not give approval for construction works, matters such as stormwater runoff and sedimentation control, water quality measures, stormwater treatment will be assessed in detail as part of the future Development Applications having regard to the BASIX requirements and Council's DCP.

### 5.16 Flooding

The majority of the site is elevated well above regional flood levels and no impacts associated with flooding are anticipated. With the exception of Precinct U, the recreation area originally proposed to the north of the site, which is located in a high flow area. TSC raised concerns regarding the viability of proposed recreation facilities on this site and have advised this area will be subject to further assessment of flood impacts and strict filling and development controls under the Tweed DCP-A3. As a result of these concerns the proposed recreational facilities have been removed from the concept plan (refer to Section 5.11) and further discussions with TSC will occur regarding the use of this land.

#### Recommendation

It is considered with the removal of proposed recreation facilities in Precinct U the potential impacts of flooding can be effectively managed on the site.

### 5.17 Soil Contamination

A Contamination Assessment, undertaken by Gilbert & Sutherland, April 2009 has been provided which provides an overview of past assessments undertaken of the site. The Assessment identified potential locations of contamination on the site which include:

- Golf course greens
- STP biosolids disposal area
- Former gun club
- Former Norville property

Further detailed assessments of the former Country Club and outbuildings will be required to inform a Remediation Action Plan. The Proponent has listed in their Statement of Commitments (SC04) that the recommendations of the Contamination Report will be complied with and any contaminated site will be identified and suitably remediated.

#### Recommendation

The Concept Plan includes no works component and as such a condition of approval shall require that a full contaminated land survey be undertaken in accordance with SEPP 55 prior to the lodgement of a development application on the Site.

## 5.18 Bush Fire

The Rise site encompasses and adjoins areas of land that is identified as bushfire prone land in the Tweed Local Environmental Plan 2001 and includes the following uses that comprise Special Fire Protection Purposes, a private school, a nursing home and hotel. Accordingly, development within the site must be consistent with the provisions of Planning for Bushfire Protection 2006.

The proponent has provided a Bushfire Assessment, undertaken by Cardno 2009, which provides the following recommendations:

- Provision of clear separation of buildings and bush fire hazards, in the form of fuel – reduced Asset Protection Zones (APZ's);
- Appropriate building construction standards and design;
- Appropriate access standards for residents, fire fighters emergency service workers and those involved in evacuation;
- Adequate water supply and pressure;
- Emergency management arrangements for fire protection or evacuation; and
- Suitable landscaping to limit fire spreading to a building.

The assessment notes that additional consideration of bushfire protection measures will be required during the preparation of detailed development plans to ensure these recommendations are achieved.

### Recommendation

It is recommended that Detailed Bush Fire Management Plans be prepared at the time of Development Applications for specific precincts of Rise where the APZ's are required on slopes in excess of 18° and where APZ's cannot be wholly contained within the site boundary and easements are to be established.

## 5.19 Ecologically Sustainable Development (ESD) Principles

The EP&A Act adopts the definition for ESD given in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** – The social and economic benefits of the proposal have been addressed in the Environmental Assessment. The environmental impacts are addressed through the Proponent's Statement of Commitments and the recommended modification. Additionally; the environmental impacts will be assessed as future applications are submitted. It can be concluded however, that the assessment report has considered all issues raised by the community and public authorities. It is considered that the proposal as recommended for approval does not compromise a particular stakeholder or limited the opportunity of others.
- **Precautionary Principle** – The Environmental Assessment is supported by technical and environmental reports that conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The Concept Plan approval requires additional information at each stage of development to ensure the proposals' extent and nature is fully documented and opportunities are provided for proposed mitigation and management measures to incorporate best practices.
- **Climate Change** – A preliminary assessment of the Concept Plan suggests that the proposed development is not inconsistent with the principles contained in the Floodplain Development Manual, should not detrimentally increase potential flood affectation on other development or property, will not result in an increased risk to human life, and is unlikely to result in additional economic and social cost. However this issue should be addressed more thoroughly as part of the detailed building design, in relation to any specific application for development within the Concept Plan area.

- **Inter-Generational Principle** – Through implementation of the Concept Plan and environmental management practices will ensure the environment is protected for future generations. The benefits of the proposal include increasing employment opportunities close to where people live, reducing the need for car travel, and enabling the orderly and timely redevelopment of land no longer required for this original purpose. The Proponent has also committed to incorporate environmentally sustainable design principles in the design of buildings to improve energy and water efficiency, thereby conserving resources for future generations. It is also recommended that the Concept Plan be modified to ensure that new developments promote the use of renewable energy technologies and energy efficient products.
- **Biodiversity Principle** - The site has high conservation value. Areas of an endangered ecological community have been identified on the site along with 17 vulnerable or endangered flora species and 8 threatened fauna species. A Site Rehabilitation & Pest Management Plan 2009 has been developed for which includes identification of rehabilitation areas within the site for implementation of regeneration and revegetation strategies to enhance the quality of the ecological communities found on the site.
- **Valuation Principle** – the Concept Plan seeks to promote new commercial and residential development enabling residents to live near work, leisure and other opportunities. This means that the proposal will provide relatively affordable residential properties in an existing urban area. The infrastructure will be paid for and built by the developer.

## 6 CONCLUSION

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The Department has assessed the EA and PPR and considered the submissions in response to the proposal. The key issues raised in submissions include:

- The impact of the proposed development footprint on the lowland rainforest communities (identified as EEC) and endangered flora species. In particular the impacts generated by proposed Precinct J (subsequently removed from the Concept Plan) and the alignment of Spine Road.
- The impact of traffic generated by the development on the capacity of the local road network. Concern was raised regarding the already constrained capacity of Kennedy Drive which provides the main access to the site and potential alternative access to the site is reliant on increased capacity in the Queensland State.
- The visual impact generated by the proposed heights of buildings which are more than 3 storeys in height as required by the current Tweed LEP 2000.
- Further analysis of infrastructure requirements to determine staging of these works.

The Department has considered these and other relevant issues and recommends a number of further assessment requirements to ensure that all environmental impacts are minimised or managed to an acceptable level. Further project-specific environmental impacts will be assessed by the Department or other consent authorities as relevant on the basis of individual project applications. Recommended modifications are summarised as follows:

### **Modifications**

- The height of buildings in the Village Centre (Precinct A) are to be reduced a maximum of 4 storeys and not exceeding a building height of 13.6m.
- No development is to be approved beyond that which will create a generation of 3,221 vehicle movements per day on Kennedy Drive unless it can be demonstrated there is additional capacity required to accommodate the traffic generated by that proposed stage of the development.

The Concept Plan, with recommended modifications, is supported because it is consistent with the objectives of the Far North Coast Subregional Strategy. It is located within the identified urban footprint and contributes to the growth and dwelling targets for the subregion.

Constraints to the development of the site have been identified including capacity of the local infrastructure and the road network. Therefore, the Concept Plan Approval includes development thresholds to manage these constraints.

The Department considers the site to be suitable for the proposed Concept Plan and that the proposal is in the public interest. Consequently, the Department recommends that the Concept Plan be approved.



## 7 RECOMMENDATION


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It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the Concept Plan for the project, subject to further assessment requirements under section 75O(1) of the *Environmental Planning and Assessment Act 1979*, and sign the Determination of the Major Project (**tag A**).
- (C) determine pursuant to section 75P(1) of the Act that approval to carry out the civil works within the western precinct (as detailed in MP 08\_0049) are subject to Part 3A of the Act, and all other proposals are subject to Part 4 of the Act unless otherwise specified in the State Environmental Planning Policy (Major Projects) 2005; and

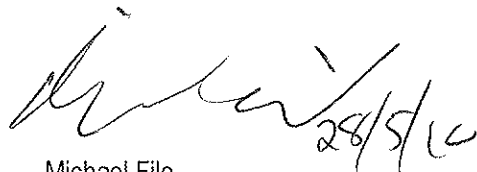
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