

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08_0234

(File No.09/00896)

CONCEPT PLAN FOR RISE, BILAMBIL HEIGHTS

I, the Minister for Planning, having considered the matters in section 75O(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine:

- a) under section 75O(1) of the Act, to approve the Concept Plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2 and the Proponent's Statement of Commitments in Schedule 4.
- b) under section 75P(1)(a) and 75P2(c) that future development be subject to the requirements set out in Parts A, B and C of Schedule 2.
- c) under section 75P (1)(b) of the Act, approval to carry out the project or any particular stage of the project is to be subject to the provisions of Part 4 of the Act,
- d) future development subject to Part 4 of the Act is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the further assessment requirements in Schedule 2.

The reasons for the further assessment requirements are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) adequately mitigate the environmental impacts of the development;
- (c) reasonably protect the amenity of the local area; and
- (d) protect the public interest.



The Hon Tony Kelly MLC
Minister for Planning

Sydney,

29 JUN 2010

2010

SCHEDULE 1

PART A – PROJECT

Proponent:	Terranora Group Management Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	08_0234
On land comprising:	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.
Local Government Area:	Tweed Shire
Approval in summary for:	Concept Plan for the development of a mixed residential development including 1,604 residential dwellings, 4,447m ² gross floor area of retail space, 5,300m ² gross floor area of commercial space, and associated infrastructure and landscaping.
Capital Investment Value:	\$142 million
Type of development:	Concept Plan approval under Part 3A of the Act
Determination made on:	29 June 2010
Determination:	Project approval is granted subject to the conditions in Schedule 2 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	10 years from the date of determination

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	NSW Environmental Planning and Assessment Act, 1979 (as amended)
Building Height	Has same meaning as Standard Instrument—Principal Local Environmental Plan (ie the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like)
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Council	Tweed Shire Council
DECC	NSW Department of Environment and Climate Change
Department, the	NSW Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Environmental Assessment (EA)	Darryl Anderson Consulting Pty Ltd, Part B Major Project Application No.08_0234 Concept Plan, "Rise" Bilambil Heights, July 2009
GFA	Gross floor area (as defined in Standard Instrument—Principal Local Environmental Plan).
Minister, the	Minister for Planning
Preferred Project Report (PPR)	Darryl Anderson Consulting Pty Ltd, Preferred Project Report, Major Project Application No. MP08_0324, "Rise" Bilambil Heights, February 2010
Project	Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies.
Proponents	Terranora Group Management Pty Ltd or any party acting on this approval
Regulation	The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Revised Statement of Commitments submitted as part of the PPR.

SCHEDULE 2
MODIFICATIONS TO CONCEPT PLAN
CONCEPT PLAN APPLICATION NO. MP 08_0234

PART A – ADMINISTRATIVE TERMS OF APPROVAL

A1 Development Description

- (1) Except as modified by this approval, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as listed below and in more detail in the documents titled "Part B Major Project Application No.08_0234 Concept Plan, "Rise" Bilambil Heights," dated July 2009 and as amended in "Preferred Project Report, Major Project Application No. MP08_0324, "Rise" Bilambil Heights" dated February 2010 prepared by Darryl Anderson Consulting Pty Ltd. including:
- (a) Super lot subdivision to create Lots 934 to 938
 - (b) The provision of 1,604 dwellings,
 - (c) 200 bed capacity nursing home,
 - (d) The provision of 5,300m² of commercial GFA,
 - (e) The provision of 4,447m² of retail GFA,
 - (f) The provision of 38.8 ha of open space and conservation lands, and
 - (g) A private school.

A2 Development in Accordance with Plans and Documentation

- (1) The development shall generally be in accordance with the following plans and documentation:
- (a) "Part B Major Project Application No.08_0234 Concept Plan, "Rise" Bilambil Heights," dated July 2009 prepared by Darryl Anderson Consulting Pty Ltd, including:
 - Annexure 9 Architectural and Urban Planning Report, ML Design, July 2009
 - Annexure 10 Plan of Proposed Subdivision, Michel Group Services, Ref 8715-45A
 - Annexure 11 Landscape and Open Space Concept Plan Report and Streetscape Concept Plan Report, EA Design Group, March 2009
 - Annexure 16 Ecological Assessment (Volumes 1-3), James Warren and Associates, 2009
 - Annexure 17 Traffic Impact Assessment, CRG Pty Ltd, April 2009
 - Annexure 18 Cultural Heritage Assessment, Everick Consultants Pty Ltd, June 2009
 - Annexure 19 Bushfire Assessment Report, Cardno, April 2009
 - Annexure 20 Part A and C of Civil Engineering Report, VKL Consulting April 2009
 - Annexure 22 Erosion and Sediment Control Plan and Stormwater Management Plan, Gilbert and Sutherland, April 2009
 - Annexure 24 Contamination Report, Gilbert and Sutherland, April 2009
 - (b) As amended by "Preferred Project Report, Major Project Application No. MP08_0324, "Rise" Bilambil Heights" dated February 2010 prepared by Darryl Anderson Consulting Pty Ltd

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B and the Proponent's Statement of Commitments set out in Schedule 4.

- (2) In the event of any inconsistencies between the modifications of this concept approval and the plans and documentation described in Part A, Schedule 2 referred to above, the modifications of this concept approval prevail.
- (3) In accordance with Section 75P(2)(a) of the EP and A Act, where there is an approved Concept Plan, any approval given under Part 4 of the Act by Council, must be consistent with that Concept Plan.

A3 Consolidated Concept Plan

- (1) A consolidated version of the Concept Plan, combining the approved components of the Environmental Assessment, Preferred Project Report, Statement of Commitments, and modifications required by this approval, is to be submitted to the Department within 3 months of the Concept Plan approval.

A4 Lapsing of Approval

- (1) Approval of Major Project No MP 08_0234 shall lapse 10 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a development for which concept approval has been given.

PART B MODIFICATIONS TO THE CONCEPT PLAN

B1 Built Form and Heights

- (1) Approval is given to a maximum building height of 13.6m and a maximum of four storeys.
- (2) The building height plan (referenced A-MP-0120) is to be modified such that buildings shown as five and six storeys do not exceed four storeys and 13.6m.
- (3) Variations to the approved building height in the Concept Plan may be considered in the Village Centre (Precinct A) (up to a maximum six storeys and 19m) where it can be demonstrated that:
 - (a) The building does not adversely impact the visual amenity and character of the surrounding area as viewed from all areas where the site is visible including from within the Concept Plan boundaries;
 - (b) The form and external appearance of the building will improve the quality and amenity of the public domain, including an assessment of the impact of overshadowing and impact on views from existing and potential land uses; and
 - (c) The building does not result in adverse amenity impacts and meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.

B2 Staging of Development

- (1) No development is to be approved beyond that which will create a total generation of 3,221 vehicle movements per day on Kennedy Drive from Rise until additional capacity required to accommodate the traffic generated by that proposed stage of the development can be provided on the road network.
- (2) Vehicle generation is to be calculated for all proposed land uses using rates given in RTA Guidelines for Traffic Generating Activities and using a model which assumes that 68% of traffic will use Kennedy Drive or otherwise agreed to with Council.

B3 Precincts J and U

- (1) The Concept Plan documentation is to be amended to remove reference to Precinct J.
- (2) Project Approval is not granted for works associated with the sports park on the area referred to as Precinct U.

B4 Access

- (1) The Concept Plan is to be modified to allow access to the adjoining property (Lot 30 DP850230) and shall be made available through the site until the Spine Road (or section between Marana Street) has been completed and dedicated to Council.

B5 Subdivision Works and Infrastructure

- (1) Project Approval is not granted for the design and construction of roads, utilities infrastructure and site preparation works detailed in Annexure 20.

- (2) The variations sought to Tweed Development Control Plan 2008 (or subsequent update), as outlined in Table 2 of Part B of the Engineering Report in Annexure 20 of the Environmental Assessment, in respect of earthworks, site regrading, batters, retaining walls are not approved as part of this plan. Variations are to be reviewed and approved at the time of the applicable development application for each stage.

B6 Plans and Guidelines

- (1) Unless otherwise stated in this approval, all plans and guidelines referred to in the revised Statement of Commitments are to be prepared for approval by Council.

PART C – FURTHER ASSESSMENT REQUIREMENTS

C1 Traffic Assessment

- (1) A detailed traffic assessment for each Stage is to be submitted to the consent authority with the relevant application for subdivision and infrastructure works, with regard to:
- a) Identification of the traffic generated by that particular stage of the development, having regard to the RTA Guide to Traffic Generating Developments.
 - b) Existing capacity of surrounding road network and its ability to accommodate the development proposed within the Stage.
 - c) Identification of upgrades to the local roads required to accommodate that stage.
 - d) Detailed design plans for the upgrades identified with the agreed timing/staging for the completion of the works.
 - e) The future capacity of the road network, in particular timing for completion of new road infrastructure including the upgrade of Cobaki Road, construction of Cobaki Parkway and the interchange with the Tugun Bypass.

C2 Staging Plan

- (1) A detailed staging plan is to be submitted to the relevant consent authority with each application for subdivision and infrastructure works.
- (2) The staging plan shall demonstrate with each application that the proposed stage or precinct represents the orderly and coordinated development such that:
- a) It may be serviced by existing infrastructure, or is capable of being serviced;
 - b) Access for vehicles and pedestrians is available and can be made available; and
 - c) An update of likely timing of future stages and infrastructure required to support future stages.

C3 Flora and Fauna

- (1) Updated Site Rehabilitation Plan and Pest Management Plan's which detail how the recommendations of the assessment prepared by James Warren and Associates (committed to in Statement of Commitments 10, 11, and 28) are to be met for each stage or precinct, are to be submitted prior to or with the Development Applications for each stage or precinct for approval by Council.
- (2) The Vegetation Management Plan, referred to on Page 81 of the Environmental Assessment, which details measures to protect threatened flora and fauna during construction, is to be submitted prior to or with the Development Applications for each stage or precinct for approval by Council.

- (3) Rehabilitation areas, identified in the Site Rehabilitation Plan, shall be registered as common property on under the community scheme, and shall detail responsibility for each action, and shall include on going measures.

C4 Heritage

- (1) The recommendations of the Cultural Heritage Assessment prepared by Everick Consultants Pty Ltd, dated June 2009 are to be undertaken for each stage or precinct. Details of how they will be met are to be submitted with the Development Applications for each stage or precinct for approval by Council.

C5 Bushfire Protection

- (1) Detailed Bushfire Management Plans are to be prepared for each stage or precinct in accordance with the requirements of '*Planning for Bushfire Protection 2006*' (NSW Rural Fire Service) and are to be submitted prior to or with the Development Applications for each stage or precinct for approval by Council.
- (2) Where external Asset Protection Zone's are required on adjoining land, prior to the approval of the first Development Application, easements are to be created over land on adjoining properties that is proposed as an Asset Protection Zone.

C6 Airspace Controls

- (1) The Commonwealth airspace approvals referred to in Statement of Commitment 30 should be obtained prior to construction for any building or structure which would constitute a "controlled activity" under the Commonwealth Airports Act, by virtue of penetration of the OLS and/or PANS-OPS surfaces of Gold Coast Airport.
- (2) Commonwealth airspace approvals are also to be obtained for any temporary penetration of the airspace for erection of construction cranes prior to construction.
- (3) With regard to the approvals required by Clause B1 of this approval, consultation is to be undertaken with the Gold Coast Airport during the preparation of the applications to ascertain criteria for height limit determination.

C7 Stormwater Treatment

- (1) Detailed Stormwater Management Plans are to be included with each Development Application for each stage or Precinct for approval by Council.
- (2) The Stormwater Management Plans are to be developed Consultation with Council and incorporate consideration of the requirements set out in the Tweed Shire Integrated Water Cycle Management Plan.

C8 Site Contamination

- (1) A Remediation Action Plan, which details the results of the further investigations recommended by the Contamination Assessment Report undertaken by Gilbert and Sutherland dated April 2009 (committed to in Statement of Commitment 4), shall be submitted for each stage where further investigations are required with the first Development Applications for that stage for approval by Council.

C9 Earthworks and Road Layout

- (1) The concept plan approval for the subdivision and road layout is indicative. It is recognised that variations to the Tweed DCP in relation to earthworks, site regrading, batters and retaining walls may be necessary to achieve the concept plan layout.

- (2) Further assessment of any retaining wall or batters required which are greater than 1.2m in height is required, including an assessment of:
 - a) Measures to lessen visual and aesthetic impact of the structure; and
 - b) Engineering design, including an assessment of stability and geotechnical issues and impacts on storm water flows and drainage.
- (3) Further assessment of the proposed earthworks and site regrading is required. Details shall be provided for each stage including:
 - a) Confirmation of volume of cut and fill;
 - b) Offsite disposal location for excess fill and details for management the impacts of transportation of fill to this location;
 - c) Opportunities to re-use excess material on site; and
 - d) Details of stock piling on site and proposed sediment and erosion control measures.

C10 Utilities

- (1) Further assessment is to be undertaken into the provision of water supply and sewer system infrastructure, including engineering design and ownership, operation and maintenance arrangements.