



Appendix H

Revised response to Submissions

Purpose:

Annexure 2 of the Concept Plan approval (MP 08_0234) included a Preferred Project Report prepared by Darryl Anderson Consulting dated February 2010. The report provided a response to submissions received from the Department of Planning, State Agencies and the community during the exhibition of the Major Project Application.

The primary purpose of the Preferred Project Report was to outline any changes to the project plans in response to the submissions received and provide a response to the submissions received. For the purpose of the modification application, new comments have been included that compares to the changes proposed via MOD 3 to justify the changes proposed.

REVISED RESPONSE TO SUBMISSIONS (PREFERRED PROJECT REPORT)

Issues raised during consultation of original Major Project application in 2009	ORIGINAL COMMENTS (Darryl Anderson Consulting Pty Ltd, December 2009)	RPS COMMENTS (regarding changes proposed as part of current Modification)
DEPARTMENT OF PLANNING – 22 October 2009		
1. Staging		
<p>Further information regarding the staging of the Concept Plan is required with consideration of the impact of infrastructure limitations on the developable yield, timing and sequencing. This should include a staging plan that demonstrates the sequence each of the precincts will be developed and what infrastructure is necessary to support each stage.</p> <p>For example the staging plan should demonstrate what precincts can be developed prior to the construction of Spine Road, prior to undertaking improvements to the local road network, prior to the site being connected to Cobaki Parkway and ultimately construction of the interchange to the Tugun Bypass.</p>	<p>The indicative Staging and Sequencing Plan at Annexure B (Reference A-MP-01-37B, ML Design, 03.12.09), which repeats the information contained in the ML Design Architecture and Urban Planning Report, March 2009, Page 47 in a plan format, shows the proposed staging. The proposed staging reflects the available capacity in existing sewerage, water supply and transport infrastructure as identified in the Environmental Assessment.</p> <p>We wish to reiterate the statement made in the Environmental Assessment, being that the future staging and sequencing of the RISE project will be, to a large degree, determined by the real estate market, which is in a situation of flux at present due to the impacts of the global economic crisis.</p> <p>However, because of the infrastructure constraints that surround the RISE project it is reasonably certain that development of the project will commence from Marana Street and head west, as is depicted in the attached Staging and Sequencing Plan.</p>	<p>The original approved staging plan proposed eight (8) stages to be developed from Marana Street. The proposed staging plan submitted as part of the Modification application also shows eight (8) stages to be developed in substantially the same sequence as approved from Marana Street.</p> <p>The proposed staging reflects the available and planned capacity in sewerage, water supply and transport infrastructure as identified in the updated Engineering and Traffic technical reports. The Village Centre is proposed as stages 7 and 8 which will be developed once the existing and planned resident population in the community is established. Stage 1 in the approved staging plan (Lot 32 DP1085109) has been removed from the proposed staging plan as it will be developed in its own time once services are provided to the site.</p>

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<p>The analysis of trip generation and distribution requires further clarification including consideration of the following:</p>	<p>The Applicant hereby agrees to limit the vehicle per day (VPD) count generated by the project as it affects Kennedy Drive and Gollan St bridge to 3,221 being the number determined by Tweed Shire Council as at 1 December 2009 by their email to the Applicant's consultants which confirms an additional 561 VPD has been made available to the RISE project to the previously available 2,660 VPD (i.e.: 2,660 + 561 = 3,221), as being the key number allowable before the RISE Spine Road and the Cobaki Road upgrade are required.</p> <p>See confirmation of this VPD resolution in Annexure I.</p>	<p>The proposed modification provides an overall reduction in ultimate development yields with the removal of the previously approved school use. The site now includes up to 1,300 residential dwellings, 6,650 m² commercial and retail space and Childcare centre of approximately 60-80 spaces. The development site is subject to an existing Council Resolution that limits traffic volumes on Kennedy Drive (located to the east as the only connection road to the Pacific Motorway). This resolution limits traffic generated by the site to 3,221 vehicles per day (VPD), including the adjacent retirement living (seniors housing) site at Lot 32 DP1085109 until the necessary road upgrades are completed. This equates to approximately Stages 1 – 4 of the proposed modification being developed. No change is proposed.</p> <p>The proposed site is separated into 8 stages to be rolled out sequentially, except for Lot 32 DP1085109 which will be developed separately. This staging allows the site to develop up to the allowable Council Resolution limit before proceeding with later stages and road upgrades. Refer to the updated Traffic and Transport Assessment.</p>
<ul style="list-style-type: none"> Rates recommended by the RTA's Guide to Traffic Generating Developments should be used to estimate trip generation. The trip generation rates given in Table 3 "Traffic Generation Count and Progressive Total" on page 49 of the Architecture and Urban Planning Report (Annexure 9) differ from those given in the Transport Impact 	<p>Further to above, the Applicant has abided by the traffic calculations determined by the NSW RTA's <i>Guide to Traffic Generating Developments</i> in lieu of using the Tweed Council's <i>Tweed Roadwork's Contribution Plan</i> document.</p>	<p>The Traffic assessment prepared by Bitzios Consulting for the modification application demonstrates that by comparison the proposed modification results in a reduce level of traffic generated on the network. As such, no additional mitigation measures are required for any external networks or intersections.</p>

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<p>Assessment undertaken by CRG in April 2009 (Annexure 17).</p> <ul style="list-style-type: none"> The number of trips allocated to Kennedy Drive has a significant bearing on the timing of road infrastructure such as Spine Road and Cobaki Parkway. Therefore greater justification and a robust methodology to calculate the percentage of traffic distribution on Kennedy Drive is required. 		<p>There are no proposed changes within the proposed modification that impact the existing on street parking supply.</p> <p>There are no additional impacts associated with the existing external public or active transport networks. Internal networks are subject to terrain constraints and are designed to cater for user desire lines to and from the site's proposed commercial centre.</p> <p>No changes are proposed to the external road network and development yield has decreased overall. As such there are no additional road safety impacts associated with this modification on the external road network.</p>
3. Connectivity		
<p>The Concept currently provides two future road connections to the remaining Bilambil Heights urban release area adjoining the site directly to the north. Tweed Shire Council (Council) has advised that 1 connection should be provided every 200m. At least two additional future road connections should be provided north of Precinct L to ensure permeability with the remaining urban release area.</p>	<p>The amended Precinct Plan at Annexure A (Reference A-MP- 01-18F, ML Design, 03.12.09) and all other attached revised plans show two additional road connections to the adjoining "Tietzel" land which is located to the east of the RISE site.</p> <p>This addition now allows for four (4) road connections to the future urban land adjoining the RISE site to the east. Land has now been allocated in the Concept Plan for these two new roads to be constructed in the future by others should they be required.</p>	<p>There are no changes proposed to the two main road connections external to the site, including providing access via an extension of Marana Street and a new intersection with Cobaki Road.</p> <p>The adjacent Gemlife (Lot 32) site will not be connected to the Elysian site and will provide separate access via either McAllisters Road or Marana Street.</p> <p>The design allows for a future potential road connection to the land adjoining (Lot 2//DP555026) to the north of Elysian (urban release area) from the Spine Road, should it be required in the future.</p>
4. Building Heights		
<p>The proposed 6-8 storey heights in Precincts A and L are inconsistent with surrounding area and the likely future context and neighbourhood character. Insufficient planning justification has been provided to support this part of the proposal.</p> <p>All building heights should be given in metres (RL's to AHD).</p>	<p>The attached amended Building Height Plan (Reference A-MP- 01-20F, ML Design, 03.12.09) shows proposed amended building heights, including proposed maximum building heights in metres for buildings above three stories. The building heights for buildings previously over three stories have generally been reduced to a maximum of four stories other than one five storey building and one six storey building in the Town Centre (Precinct A) and this has not resulted in any reduction in yield. As indicated on the attached amended Building Heights Plan, the area of buildings exceeding three storeys is very small and the vast majority of buildings comply with the three storey statutory</p>	<p>Proposed heights to not exceed 13.6 metres for the residential component and 19 metres for the Village centre, in accordance with Condition B1 (Built Form and Heights) of the Concept Plan approval.</p> <p>It is proposed to amend Condition B1 to allow 19 metres building height in the Village Centre without demonstrating compliance with the nomination criteria and the 19 metre building height had been address in the original Concept Plan approval.</p>

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	<p>height limit. We submit that the amended building heights strike a reasonable balance between the concerns raised by Council and the Department and the need to achieve a sustainable and viable development.</p> <p>It should be noted that any further reduction in building heights will impact on the density of the project, particularly in the town centres, which will have the economic affect of making the proposed retail and commercial components of the project commercially unviable and unsustainable.</p> <p>Also attached at Annexure E is the revised Product Summary 15 which now includes some minor amendments to the product mix per Precinct which has been driven by the reduction in building heights and the deletion of Precinct J, however the overall density of 1804 dwellings remains the same.</p>	
5. Flora and Fauna		
<p>Precinct J results in the fragmentation of the land proposed to be zoned E2 located to the south of Spine Road. This has the potential to impact the remanent of the Lowland Rainforest located in this area by isolating portions and restricting movement of fauna. In addition further impacts may result from the provision of the required asset protect zones, access road, and other supporting infrastructure (such as the rising main). Precinct J should be reconsidered.</p> <p>Further offsets should be explored to compensate for the loss of native plants previously illegally removed from the site as outlined in the further submission by Department of Environment and Climate Change NSW.</p>	<p>As shown on the amended Precinct Plan (Annexure A) and Master Plan (Annexure D Reference A-MP-01-16D, ML Design, 03.12.09) Precinct J and the lead in roads have been deleted from the Concept Plan. The 36 villas from Precinct J have been relocated to other precincts within the Concept Plan area. The total yield of 1804 dwellings remains the same as indicated on the attached Product Summary Table 15.</p> <p>The former Precinct J area is proposed to be revegetated as an additional environmental restoration offset area.</p> <p>The deletion of Precinct J and the lead in roads has now created a net benefit for environmental restoration and compensatory planting work of a positive 1.58ha.</p> <p>Additional to this net benefit of 1.58ha, and as detailed in the current James Warren and Associates reports which support the MP08-0234 application, there is also 24.69ha of proposed restoration of existing northern NSW Rainforest and valuable bushland within the MP08-0234 footprint.</p> <p>Currently this area of 24.69ha is heavily infested, by up to 50% in area, with Camphor Laurel and Privet weeds which the Applicant has offered to restore using appropriately licensed and qualified Bush Regeneration contractors progressively through the life of the project.</p>	<p>Precinct J remains omitted.</p> <p>Further detailed vegetation mapping has informed a revised development footprint and increased the overall open space and conservation areas across the site, to better protect biodiversity areas and reduce fragmentation.</p>

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	As a consequence of deleting Precinct J the Recommended Zoning Map has been amended to zone the precinct area E2 Environmental Conservation (see Annexure G).	
6. Public Open Space - Precinct U		
<p>It is understood that Council does not support the proposed Precinct U. Further consultation is required with Council to determine the future use of this land and alternative arrangements for local infrastructure contributions.</p>	<p>Following discussions with Tweed Shire Council Officers, a draft Statement of Commitment was forwarded to Council addressing this specific issue.</p> <p>The draft Statement of Commitment was considered by Council and some amendments were proposed. The Statement of Commitments as amended by Council is reproduced as follows:</p> <p><i>"Subject to the density finally approved under the MP08_0234 Application, or a pro rata area calculation being adopted for adjusted densities in the final MP08_0234 approval, the applicant shall dedicate and embellish 4.42 hectares of structured open space in accordance with the development standards contained in Table A5-8.3 of Tweed Development Control Plan 2007, Part A5 or alternatively pay a contribution in lieu for the area that is not dedicated and embellished on the applicant's land.</i></p> <p><i>The amount of the contribution rates shall be determined at the time of documentation of and incorporated into, a Voluntary Planning Agreement (VPA) between the applicant and Tweed Shire Council. The VPA shall be finalised prior to the granting of development consent or major project approval for any part or precinct of the development approved by way of Concept Plan No. 08_0234 which creates residential lots or dwellings.</i></p> <p><i>Should it be agreed that some sports facilities can be located at the currently proposed site, the VPA will require the applicant to dedicate and embellish on it's land a component of the required</i></p> <p><i>4.42 hectares no earlier than when the Spine Road construction is completed, or contributions in lieu to be paid on a pro rata basis per precinct at the time of sealing of title plans by Council for that precinct."</i></p> <p>The amended Statement of Commitments proposed by Council is generally acceptable to the proponent and has</p>	<p>The Unstructured Sports Park in Precinct U has been replaced with Precinct H Structured Open Space and Precinct F Open Space. This outcome remains consistent with the current approval. This outcome has been discuss with Council with preliminary support to retain this open space.</p>

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	been included in the Revised Statement of Commitments at Annexure F.	
7. External APZ's		
No approval as part of the Concept Plan will be given for external APZ's. It should be noted that approval would be required from the relevant land owner and easements created to allow for APZ's to be located external to the site.	The proponent will accept a condition that requires either easements to be created over adjoining land where asset protection zones are proposed or alternatively redesigned to accommodate the asset protection zones within the subject land at the time of assessment of the Development Applications required per Precinct or Stage.	Future buildings on the proposed lots mapped as bushfire prone land are to be separately assessed at the development application stage when lodged with Council pursuant to the <i>Environmental Planning and Assessment Act 1979</i> , s100B Bush Fire Safety Authority, or complying development. Asset Protection Zones for each lot can be provided within the modification development footprint, either within each lot or as part of managed road reserves. A standard building block can be provided within all lots mapped as bushfire prone land. Refer to the updated Bushfire Assessment Report for the Modified Concept Plan prepared by BCA Check Pty Ltd.
8. Integrated Water Cycle Management System	Following a review of the project report lodged by Tweed Shire Council with the Department, the Integrated Water Cycle Management System has been deleted from the Concept Plan.	No change.
9. Concept Plan Approval	The proponent acknowledges that the Concept Plan approval will not authorise civil or earthworks or indeed any works to be constructed. These construction elements, in Precincts or stages will be the subject of Development Applications or Major Project Applications in the future.	Noted. No change.

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10. Amendments to Tweed Shire Council Development Control Plans	We note that the Department will review the proponent's request for minor amendments to the various Council Development Control Plans and include the determination in the final Concept Plan approval, particularly based on the Applicant's submission that RISE is to be a Community Title Scheme.	<p>It is proposed to change the tenure from a Community Title Scheme to Freehold land, with infrastructure dedicated to Council, including roads, parks/open space, conservation areas, stormwater treatment devices, public infrastructure etc.</p> <p>The revised design is seeking to comply with the subdivision requirements of the Tweed DCP to ensure a suitable design outcome given the change in the tenure being proposed.</p> <p>Initial discussion with the DPHI and Council have not raised an objection to a change in tenure.</p>
PART A – Letters from Local Residents/Property Owners		
<p>1.</p> <ul style="list-style-type: none"> Access to the adjoining Terranora Resort is currently achieved through the Rise site, due to the closure of Conmurra Ave and part of Marana St (resulting from previous consent relating to the site). Previous consent required construction of alternative access for Terranora Resort as per agreement reached between the land owners, however has not since been constructed. This agreement for construction of alternative access should be considered in the Concept Plan. 	<p>This issue is addressed in Section 7.5 of Part B of the Environmental Assessment (Concept Plan). The proponent's position remains as stated in that Section.</p> <p>However, more recently an agreement has been reached between the owners of Terranora Resort and this Applicant that now allows, under the terms of a signed license agreement, access over the Applicant's property to Terranora Resort.</p>	<p>There is no easement over the subject land benefitting the adjoining lot on which the Terranora Resort is located (61 Marana St, Bilambil Heights – SP93623).</p> <p>The proposed modifications do not prevent future access connections between these lots. Consideration has been given to the potential to provide a new road connection via the village centre precinct and can be addressed as part of the future subdivision application.</p>

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2. Oppose <ul style="list-style-type: none"> Roads can not accommodate increase in traffic. Scenic Drive is of poor quality now. 	<p>Council had previously allocated capacity within the existing local road network for up to 2,660 vehicle trips per day which would accommodate approximately 500 dwellings. Council more recently has agreed to increase the capacity allowance for RISE to 3,221 vehicles trips per day. Construction of the Spine Road, Cobaki Road and Cobaki Parkway will be required beyond that volume to ensure that safe and efficient road access is provided.</p>	<p>The proposed modification provides an overall reduction in ultimate development yields with the removal of the previously approved school use. The development site is subject to an existing Council Resolution that limits traffic volumes on Kennedy Drive (located to the east as the only connection road to the Pacific Motorway). This resolution limits traffic generated by the site to 3,221 vehicles per day (VPD), including the adjacent seniors living site. No change is proposed to this Resolution. The Traffic assessment prepared Bitzios Consulting for the modification application concludes there are no additional impacts associated with the proposed modification.</p>
<ul style="list-style-type: none"> The site is a large breeding ground for the black cockatoos, koalas, eastern rosellas, echidnas and others. 	<p>The comment regarding to black cockatoos is either referring to the Yellow-tailed black-cockatoo, which is a common species in the area, or the Glossy black-cockatoo which is listed as Vulnerable under the TSC Act (1995). Both species require hollow-bearing trees for nesting. There is a distinct lack of these trees on the site.</p> <p>Koalas require large areas of suitable habitat to breed. The only suitable habitat on the subject site is comprised of planted trees within the golf course.</p> <p>Both the Eastern rosella and echidna are commonly occurring species and are highly unlikely to be solely reliant on the subject site for breeding.</p>	<p>No further impacts proposed to 'breeding grounds' of black cockatoos, koalas, eastern rosellas, echidnas and others.</p> <p>The amended Concept Plan proposes an increase to the conservation areas and open space areas across the site.</p>
3. Oppose <ul style="list-style-type: none"> Existing infrastructure including roads, electricity and water, will not cope with further developments in the area. Roads do not cope with present traffic. 	<p>See comments above in relation to road traffic capacity issues. Upgrading of all normal services will be undertaken as an integral part of the development to ensure that sufficient capacity exists.</p> <p>Further, the Applicant has agreed with Council to accommodate two new high level water reservoirs within the Rise project, which are shown as Precincts C and K on the Precinct Plan, to assist Council with ensuring that the regional water supply system meets with the Council's capacity and supply requirements.</p>	<p>The subject site currently accommodates a Council reservoir (in approved Precinct K), which is centrally located on the site. An additional new reservoir will be centrally located on the site adjoining the existing reservoir (now proposed Precinct E).</p> <p>The revised location of the reservoirs has been verbally agreed by Tweed Shire Council.</p> <p>A revised subdivision plan will be required to reflect the relocation and consolidation of those land parcels proposed to be dedicated to Council.</p>

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		<p>Upgrading of all normal services will be undertaken as an integral part of the development to ensure that sufficient capacity exists.</p> <p>The development will include a new reservoir and pressure booster water pump station built on the subject land adjacent to the existing Country Club reservoir. This new reservoir is to be constructed to Council Design requirements and specifications and will interconnect with the existing reservoir. A 250mm watermain will be located along the proposed new Spine Road within the site. Refer to Morton Urban solutions, Preliminary Engineering report.</p> <p>Roads will be upgraded when the capacity is reached (i.e. Council's resolution limits traffic generated by the site to 3,221 vehicles per day), as identified in the updated Traffic and Transport Assessment report.</p>
<p>4. Oppose</p> <ul style="list-style-type: none"> The proposed heights are out of place in this rural area. The visual assessment does not include an assessment from the neighbouring rural area to the immediate west. Further visual assessment should be carried out in Carool (from at least 2 viewing points). 	<p>Building heights have been reduced as discussed in Section 2.3 of this Report. The Visual Assessment at Annexure 12 of the Environmental Assessment adequately assesses potential visual impacts, particularly from prominent public viewing areas and concludes that there will be nil affect on visual amenity.</p>	<p>The proposal includes lower heights throughout the majority of the site with only a small section in the Village Centre going up to 6 storeys, which aligns with the current approval.</p> <p>Refer to the updated Visual Impact Assessment.</p>
<p>5. Oppose</p> <ul style="list-style-type: none"> What action/s is to be taken to ensure present and future safe traffic flow on Scenic Drive and Kennedy Drive arising from increased traffic flow from this development as well as other developments in the near vicinity. 	<p>See comments re 2. above.</p>	<p>Since the previous development approval in 2010 local network capacity improvements have included:</p> <ul style="list-style-type: none"> Upgrade of Scenic Drive / McAllisters Road intersection to a roundabout Dual lanes each direction along Kennedy Drive between Pioneer Park and the pacific Motorway. <p>Other potential capacity and network improvements are outlined in the Tweed Road Development Strategy pending funding and design and approval.</p>

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6. Oppose <ul style="list-style-type: none"> This is prime fertile land that could be used for agriculture (pastoral or fruit and veggie growing) to service Tweed and its surrounding towns. 	The land is zoned or identified for urban development under the FNCRS 2006-2031 and is highly fragmented. The Department of Primary Industries has raised no objections to the proposal. The land is not suitable for sustainable agriculture.	No further comments.
7. Oppose <ul style="list-style-type: none"> There is already over development within the Shire, with traffic problems and degraded waterways. 	Development of the site as proposed is entirely consistent with the provisions of the Far North Coast Regional Strategy 2006- 2031 and appropriate mitigation measures have been identified to manage potential adverse impacts.	No further comments.
8. Oppose <ul style="list-style-type: none"> The density of the development exceeds the capacity of infrastructure in Bilambil Heights. Kennedy and Scenic Drive are already acknowledged as being stressed and overloaded. 	<p>Proposed upgrading of the existing local road network is addressed in Annexure 17 (Traffic Impact Assessment) of the Environmental Assessment and Annexure F (Revised Statement of Commitments) of this Report.</p> <p>Also, see comments in Item 2 above.</p> <p>We wish to point out that when the previous Terranora Country Club was in full operation in the early to mid 90's that Marana St experienced traffic flow numbers similar to those that will be created from the RISE development, so the local residents have in affect had a moratorium on the traffic flow numbers on Marana St for over 14 years.</p>	See comments in point 5 above.
<ul style="list-style-type: none"> Marana Street will be the only access (in and out) until 30% of the development is achieved. This will mean Marana Street will receive more traffic from new residents (approximately an extra 1000 movements per day) and construction related traffic. No development should take place until additional access (alternative to Marana Street) to the Estate has been achieved. Such as the completion of Spine Road and possibly the completion of McAllisters Rd to Piggabeen. 	Tweed Council have determined Marana St to be a "connector road" which allows a major increase of traffic flow compared to that which currently exists.	No further comments.
<ul style="list-style-type: none"> Proposed 3, 6 and 8 storey buildings are located on the crest of the hill, directly in a flight path. 	See comments above re building heights.	<p>See comments above regarding building heights.</p> <p>Building heights with a maximum of 6 storeys contained to the Village Centre would not impact on flight paths.</p>

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9. Oppose <ul style="list-style-type: none"> Traffic congestion is a current problem along Kennedy Drive and Scenic Drive. It has become worse as the area has grown. Both roads cannot cope with an increase in traffic volume and construction traffic. Scenic Drive is only a two lane country road without any room for expansion and Kennedy Drive is inadequate in size, poorly surfaced and a flood hazard. These roads are already a hazard for emergency vehicles to negotiate. A bridge at the end of Lakes Drive would take traffic south easing traffic congestion east along Kennedy Drive. 	See comments in relation to 2. above.	See previous comments in relation to points 2, 5 and 8 above.
10. Oppose <ul style="list-style-type: none"> Concerned about the instability of saturated soils. The removal vegetation will result in different pattern of stormwater runoff, fluidizing of soil cover and endangering downstream properties and road infrastructure. Concerned about development on elevated sloping areas. More information is required on critical slope angles required for soil stability. Concern about the adequacy of stormwater volume dispersal, drainage and pollution. Neighbouring properties are not insured against impacts resulting from the development. 	<p>The Geotechnical Investigations referenced in the application have not identified any absolute geotechnical constraints. The Concept Plan responds to the relative geotechnical and stormwater management issues in an appropriate manner.</p> <p>Details of stormwater management and geotechnical capacities will be further dealt with during the individual Development Applications per Precinct or Stage of the project.</p>	No changes or further comments to add.
11. Oppose <ul style="list-style-type: none"> The size of the development will not fit in with the surrounding environment and will have a visual impact. 	The development proposal is consistent with the Far North Coast Regional Strategy and achieves target densities identified in the North Coast Urban Planning Strategy 1995.	<p>The amended Concept Plan proposes lower density-built form including the majority of the development being detached dwelling houses, with only a small section in and around the Village Centre for slightly higher density with townhouses, a hotel, short term accommodation and multiple dwellings.</p> <p>The proposal remains consistent with the Far North Coast Regional Strategy.</p>

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<ul style="list-style-type: none"> There is a need for more open space. 	Proposed casual and structured open space areas will comply with the spatial and design requirements contained in Council's Subdivision Manual.	The amended Concept Plan includes an additional 15.25ha of open space compared to that approved.
<ul style="list-style-type: none"> Introduction of domestic pets will be a risk to endangered wildlife and neighbouring farms. 	A Site Rehabilitation and Pest Management Plan (JWA 2009) has been prepared for the subject site and is included in the MP08-0234 application and provides management guidelines for pest animal species that may occur on the site as well as guidelines for the on-going conservation of native vegetation and fauna species on the site.	A revised Site Rehabilitation and Pest Management Plan has been prepared by JWA, that provides management guidelines for pest animal species that may occur on the site as well as guidelines for the on-going conservation of native vegetation and fauna species on the site.
<ul style="list-style-type: none"> Impacts on bush regeneration projects currently being worked on by Tweed Shire Council. 	This issue is not relevant.	No further comments.
<ul style="list-style-type: none"> Building heights will change the escarpment of the Tweed Valley. The Rise development should blend into the mountain not stick out from it. Locate the taller buildings on the eastern side of the site so the roof line is below the hill line. 	Addressed in 4. above.	Addressed in 4. above.
12. Oppose <ul style="list-style-type: none"> The development is too large for the rural and environmentally sensitive environment. 	The development is consistent with the Far North Coast Regional Strategy.	The development is consistent with the Far North Coast Regional Strategy. The proposed modification provides an overall reduction in ultimate development yields with the removal of the previously approved school use and nursing home, and reduction to the commercial and retail GFA and residential lots. Open space and conservations lands will be increased as part of the modification application.
<ul style="list-style-type: none"> The original concept for a resort and retaining the golf course had some merit. 	Implementation of the resort consent is not considered commercially viable at this stage.	No further comments.
<ul style="list-style-type: none"> The site has been left to be vandalised and native trees have been cut down from the site, for which the developer should be prosecuted to the full extent of the law, required to replant them and bear all court costs. 	Approval of the Concept Plan will lead to rehabilitation of the site and eliminate vandalism. Alleged unauthorised removal of native trees has been dealt with by the Land and Environment Court and is not relevant to this Concept Plan or the Applicant.	No further comments.

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<ul style="list-style-type: none"> The tourism industry will be affected. Development of a residential area (similar to Western Sydney) does not attract visitors. Retail development is only successful when tourism industry encourages spending. Concern about urbanisation of the area. Scenic Drive (currently the only way in and out of town) and Kennedy Drive are not of adequate standard to cater to additional traffic. McAllister's Road could be upgraded, however would still have safety issues. Concern that Spine Road will only be constructed when development reaches 600 dwellings. 	Development of the site as proposed is consistent with the Far North Coast Regional Strategy. Issues relating to road infrastructure are addressed at 2. above.	<p>No further comments.</p> <p>See previous comments in relation traffic under points to 2 and 5 above.</p>
<ul style="list-style-type: none"> Proposed heights (6-8 stories) are inappropriate for a hilltop location. They are located within a potential flight path and will create visual impact possibly as far as Byron Bay to South Stradbroke Island. 	See comments 4. above.	See comments 4. above.
<ul style="list-style-type: none"> The wildlife & flora on the site is varied and important including some sub-tropical, visiting tropical, temperate & some inland species 	The major amelioration measure to protect ecologically significant features of the site is to retain and rehabilitate important habitat areas, as well as create additional habitat areas through revegetation works. It is considered that the proposed rehabilitation works will result in a net gain of habitat on the site which will benefit all fauna species.	No further comment.
<ul style="list-style-type: none"> The area could be subdivided into hobby farms & produce a suitable outcome for residents and investors. 	A small holding type subdivision would be inconsistent with the Far North Coast Regional Strategy and would be unlikely to be viable.	No further comment.
13. Support <ul style="list-style-type: none"> The concept includes community facilities which are currently not available in Bilambil Heights which will be of benefit to the Bilambil Jets Club and the local community. 	Noted.	Noted. The revised concept plan also includes community facilities.

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14. Oppose <ul style="list-style-type: none"> The site has extremely high conservation values, containing highly diverse lowland rainforest with numerous populations of rare and threatened plant species. Some which have not been recorded elsewhere in the LGA (Axebreaker) and others rarely recorded in the LGA (Southern Ochrosia, small leaved Tamarind, Sweet Myrtle & Basket Fern). Also the some of the most diverse and species rich dry and sub-tropical lowland rainforest in the NSW north-east bioregion. 	<p>The areas of high conservation value on the subject site will be retained and enhanced through rehabilitation and revegetation works. The vast majority of Threatened plant species will be retained in situ and populations will be bolstered through additional plantings.</p> <p>Diversity and species richness in some portions of the site are notable but hardly comparable to intact rainforest communities within numerous National Parks and Nature Reserves in the northeast bioregion.</p>	<p>The proposal increases the footprint of the dedicated conservation area from 31.584 ha to 35.25 ha.</p>
<ul style="list-style-type: none"> The proposed footprint does not go far enough to avoid the areas of high conservation value and will have a significant impact on the environment, in particular on the lowland rainforest endangered ecological community. 	<p>The proposed amelioration measures will result in a net gain of Lowland rainforest EEC on the site. Furthermore, all areas of Lowland rainforest to be retained will be rehabilitated.</p>	<p>Refer to comment above.</p>
<ul style="list-style-type: none"> Most of the losses of threatened plants and areas of lowland rainforest EEC to be cleared are a result of the alignment of Spine Road, Precinct M, Precinct J, and the local road connecting Precinct J to Spine Road. 	<p>The location of the Spine Road has been determined through consultation with Council Engineers. Precinct J and the associated access roads have been removed from the proposed layout. Any losses of Threatened plants as a result of the Spine Road and Precinct M will be offset through revegetation works.</p>	<p>Precinct J remains omitted from the proposal. The development footprint has been revised in response to detailed vegetation mapping to increase open space and conservation areas.</p>
<ul style="list-style-type: none"> Reconfiguration of Precinct M, deletion of Precinct J (and the local road connecting it to Spine Road) and realignment of Spine Road could avoid these areas and reduce the ecological impact. 	<p>See comments above.</p>	<p>Precinct J remains omitted. The proposal includes a realignment of the spine road to best avoid ecologically sensitive areas and excessive slope.</p>
<ul style="list-style-type: none"> Future residents should pay environmental levy to ensure weed and pest control programs, threatened species management, and education continues into the future. 	<p>A Site Rehabilitation and Pest Management Plan (JWA 2009) has been prepared for the subject site and provides management guidelines for weed control, pest animal control, Threatened species management and public education and it will form part of the CTS management requirements.</p>	<p>The original Site Rehabilitation and Pest Management Plan was an overarching concept document that subdivided the conservation areas into twelve (12) separate rehabilitation areas. This approved document mandated that individual Regeneration and Revegetation Plans were to be prepared for each rehabilitation area at the relevant Operational Works stage.</p> <p>The overall intent is still relevant to the proposed Modification application, and the only changes are to the location and extent of proposed conservation</p>

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		<p>areas (including some new areas previously proposed for development).</p> <p>Refer to the revised Site Rehabilitation and Pest Management Plan prepared by JWA, which includes weed and pest control measures.</p>
<ul style="list-style-type: none"> The Ecological Assessment undertaken by JWA is flawed for the following reasons: <ul style="list-style-type: none"> It is likely additional threatened flora species would be recorded in a further survey. 	<p>It is possible that additional Threatened flora species occur in inaccessible areas of the site (particularly in the southern portions). These areas will not be affected by the proposed development and are inaccessible by the very nature of the terrain and density of vegetation. Regardless of their presence, there will be no impacts.</p>	<p>No further comments.</p> <p>Refer to the revised Ecological assessment.</p>
<ul style="list-style-type: none"> Assessment does not take into account clearing as a consequence of the internal road linking Precinct J, the fire trails, APZ and walking tracks. 	<p>Precinct J has been deleted from the Concept Plan.</p>	<p>Precinct J remains omitted.</p>
<ul style="list-style-type: none"> No assessment of loss of threatened plants due to the proximity of cut and fills batters and construction of Spine Road. 	<p>The assessment of impacts has taken into consideration the entire disturbance area of the proposed Spine Road (ie. including cut and fill batters).</p>	<p>A revised Ecological Assessment report has been prepared by JWA Pty Ltd.</p> <p>The realignment of the Spine Road and slight changes to development footprint has been taken into consideration as part of the assessment of the area of disturbance, including cut, fill and batters. The report concludes that the areas being retained for environmental purposes across the subject site provides the highest quality value for connectivity in the context of the immediate and broader landscape. The proposed development is therefore not considered likely to impact existing vegetation to the point where terrestrial fauna dispersal will be impeded.</p>
<ul style="list-style-type: none"> Long term viability of threatened species located in residential lots is questionable. 	<p>Threatened plants are proposed to be retained in residential lots where possible, however this is not the only amelioration measure proposed. Additional stems of Threatened plant species will be planted in revegetation works and habitat for these species will be significantly increased.</p>	<p>The revised Ecological Assessment report identifies the majority of threatened flora in the conservation areas on the site which are to be retained. There are some examples of threatened flora in the residential areas, which are proposed to be removed.</p>

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<ul style="list-style-type: none"> No consideration of cumulative impacts resulting from future development of Rise. 	The impact assessment has considered all potential direct and indirect impacts.	The amended design has considered all potential direct and indirect impacts of the development.
<ul style="list-style-type: none"> Proposed buffers are deficient. Distances are unlikely to provide adequate protection from weeds, changes in micro- climate variables, human disturbances and allow natural expansion of threatened populations, ensuring long term viability. 	The major amelioration measure to protect ecologically significant features of the site is to retain and rehabilitate important habitat areas, as well as create additional habitat areas through revegetation works. Areas available for expansion of Threatened populations will be significantly increased when compared to the grazing lands currently available.	The development area has been revised to better protect biodiversity areas and reduce disturbance. Refer to the revised Ecological Assessment report.
<ul style="list-style-type: none"> Offset strategy is unclear (what will be included in Stage 2 of the development) and inadequate. 	The proposed offsets will result in a net gain in EEC's, Threatened species and their habitats, and habitat for Threatened fauna species.	No further comments.
<ul style="list-style-type: none"> Site Rehabilitation and Pest Management Plan, is inadequate. Focuses on site revegetation with little consideration of genetic integrity and impacts on existing threatened plant species. The site has natural regeneration potential. Aims and objectives of Plan are not measureable, no performance criteria, no analysis of site threats and actions to manage them (e.g. threat of environmental weeds – weed control implementation plan is required). 	The Site Rehabilitation and Pest Management Plan aims to provide overall objectives for the retention and rehabilitation of vegetation on the site. The developer has committed to preparing a specific Management Plan for each and every Rehabilitation Area. These specific plans will provide detailed requirements regarding revegetation and assist with natural regeneration as detailed by measurable performance criteria.	Under the Concept Plan Approval, the management actions within an approved VMP would have been the responsibility of the Body Corporate in perpetuity. However, as the tenure will change to Freehold, it is now proposed that the applicant/ proponent will be responsible for the management actions until such time as the land is dedicated to Council.
<ul style="list-style-type: none"> Proposed collection of propagation material from threatened species is high which may impact on natural regeneration and genetic integrity of species. Collection will require licence under the National Parks and Wildlife Act and/or threatened species Act. 	Noted.	Noted.
<ul style="list-style-type: none"> Fails to consider previous clearing of endangered species, recently heard at the Environment Court. 	The recent court case is not relevant to the proposed development, however, see Item 5 on Page 15 below.	The Court case relating to the clearing has been finalised and no adverse findings have been made against the landowner and proponent of the Concept Plan.
15. Oppose <ul style="list-style-type: none"> Only access is Scenic drive which does not cope with current traffic volumes. Previously informed there would be no further permits issued until another means of accessing the area was available. 	See comments at 2. above.	See previous comments in relation traffic under points to 2 and 5 above.

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<ul style="list-style-type: none"> Concerned for the safety of elderly persons on Kennedy Drive. Kennedy Drive is of poor standard due to the hilly terrain and no footpaths. 		
16. Oppose		
<ul style="list-style-type: none"> Project will require road improvements and construction of alternative access from Kennedy Drive/Scenic Drive. 	See comments at 2. above.	See previous comments in relation to traffic.
<ul style="list-style-type: none"> There are already safety issues on the local roads. 		See previous comments in relation to traffic.
<ul style="list-style-type: none"> Scenic Drive to Bilambil Road is steep and narrow, not allowing for additional lanes. 		See previous comments in relation to traffic.
<ul style="list-style-type: none"> The proposed roundabout at the intersection of Kennedy drive, Gollan Drive and Piggabeen Road will create congestion at Cobaki Bridge. 	It has been agreed with Tweed Council that there is not to be a new roundabout at the Kennedy Drive and Gollan Drive intersection as was anticipated by the Applicant, some less major intersection works may be agreed between the Applicant and Council at a later stage when the Precinct or Stage Development Applications are dealt with.	See previous comments in relation to traffic.
<ul style="list-style-type: none"> traffic congestion at the Kennedy Drive connection to the Tugun Bypass will be worse. 	See comments at 2. on Pages above.	See previous comments in relation to traffic.
<ul style="list-style-type: none"> Boosting the Snowgum Drive water pump may impact the old pipes and the water supply for the rest of Bilambil Heights. 	There is currently a booster pump station at Snowgum Crescent. Increasing the volume of water pumped does not necessarily mean pressures in pipeline will increase. TSC is the Water Authority which is responsible for design and operation of the water supply system. It is required to keep pressures within the overall water network within appropriate ranges of pressure.	<p>Not further comments.</p> <p>Refer to comments in Point 3 above.</p>
<ul style="list-style-type: none"> Opposed to the increase in building heights from 3 storeys. Will impact on views. 	See comments at 4. above.	The proposal includes lower heights throughout the majority of the site with only a small section in the Village Centre going up to 6 storeys, which aligns with the current approval. Majority of residential areas will be 2-storey detached housing.

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17. Oppose		
<ul style="list-style-type: none"> The development is for high density on the crest of land in a semi- rural community. 	See comments at 4. above.	Proposed change for low- and medium-density residential housing. See comments in Point 16 above.
<ul style="list-style-type: none"> The application is misleading in portraying the environment as being busier than reality to lessen the resulting impact. 	See comments at 4. above.	No further comment.
<ul style="list-style-type: none"> Scenic Drive has a 60Km speed limit, application states it has a 60-80km limit. 	See comments at 2. above.	Within vicinity of the subject site, Scenic Drive is a two-lane undivided 50km/h road, as outlined in the updated Traffic and Transport Assessment.
<ul style="list-style-type: none"> Scenic Drive is dangerous, steep and windy, with no opportunity for widening and has claimed human lives and wildlife. 	See comments at 2. above.	See comments at 17. above.
<ul style="list-style-type: none"> The vehicle count undertaken on McAllisters Rd was invalid resulting in an increase in vehicle movements being considered. The development will result in a 640% increase of traffic on Marana Street and McAllisters Road. 	See comments at 2. above.	See comments at 17. above.
<ul style="list-style-type: none"> McAllisters Road is identified as a neighbourhood connector, which is inaccurate. 	See comments at 2. above.	McAllister Road is identified as a Council controlled residential collector road.
<ul style="list-style-type: none"> Kennedy Drive is at capacity and the intersection with the highway is chaotic. Additional traffic from Rise and Cobaki Lakes development will worsen the situation. 	See comments at 2. above.	See comments at 5. Above and refer to the revised Traffic and Transport Assessment..
<ul style="list-style-type: none"> Potential impacts on safety of school children on McAllisters Rd and Marana Road. 	The proposed project provides a commitment to upgrade Marana St and McAllister's Road roadworks to provide a higher level of traffic flow and safety.	<p>No changes are proposed to the external road network and development yield has decreased overall.</p> <p>As such there are no additional road safety impacts associated with this modification on the external road network.</p> <p>The internal road layout of the masterplan is generally consistent with the existing approval incorporating speed and safety management where allowable within the constrained site terrain. Refer to the revised Traffic and Transport Assessment for further details.</p>

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<ul style="list-style-type: none"> Nursing home and tavern is not appropriate for Bilambil Heights. 	The nursing home and tavern are key elements in providing housing choice and an integrated urban community incorporating relevant infrastructure to support that community.	Nursing home to be removed from the proposal.
<ul style="list-style-type: none"> The area is home to significant wildlife including, Emerald Dove, Brown Cuckoo doves, crested pigeons, black cockatoo, little corella, rainbow lorikeets, eastern rosella, pale-headed rosellas, koel, tawny frogmouth, coucals, fork-tail swifts, laughing kookaburras, noisy friarbird, blue faced honey eater, large billed scrub wren, noisy miner, brown and white-naped honey eaters, eastern whipbirds, grey shrike-thrush, magpie larks, black faced cuckoo-shrike, olive beaded oriole, Figbirds, Grey butcherbirds, pied currawongs, tawny grassbird, straw-necked and white ibis. 	All of the species listed are common bird species. The proposed development will result in a net gain in suitable habitat for all species listed.	<p>The conservation areas are proposed to be increased from 31.584 ha to 35.25 ha.</p> <p>All of the species listed are common bird species. The proposed development will result in a net gain in suitable habitat for all species listed.</p> <p>Refer to the updated Ecological Assessment.</p>
<ul style="list-style-type: none"> Potential impacts on the stained water system, Terranora Broadwater. Already impacted from surrounding development. 	Detailed Stormwater Management Plans will be provided to the consent authority with each relevant Development Application for each Precinct or Stage of the project dealing with any potential impact on surrounding waterways.	<p>Condition C7 Stormwater Treatment Condition C1 in the Major Project Approval 08_0234 requires a detailed Stormwater Management Plans to be included with each Development Application for each stage or Precinct for approval by Council.</p> <p>Refer to the updated Preliminary Engineering Report prepared by Mortons Urban Solutions.</p>
<ul style="list-style-type: none"> The land is suitable for farming and home vegetable gardens due to high quality soils. 	See comments at 12. above.	The development is consistent with the Far North Coast Regional Strategy.
PART B – Letters from Government Agencies		
<p>1. North Coast Area Health Service</p> <ul style="list-style-type: none"> The North Coast Health Service has no infrastructure demand requirements to be placed on the proposed development. 	Noted.	Noted.
2. Tweed Economic Development Corporation Ltd	Noted.	Noted. The proposal excludes a school and nursing home, however, maintains the village centre to

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<ul style="list-style-type: none"> Supportive of development which identifies areas or opportunities for inclusion of job creation. The proposed integrated residential, retirement, tourism, retail, commercial, education, art village approach of Rise is supported as it part of the infrastructure necessary to support population growth projections in the Tweed Shire. 		provide mixed use opportunities to support the new residential community.
3. NSW Office of Water (NOW)		
<ul style="list-style-type: none"> Further development applications assessed by Tweed Shire Council for the development should be classed as Integrated Development where a licence or approval under the Water Act 1912 or Water management Act 2000 is required, so that NOW can provide appropriate technical advice to Council. 		Noted.
<ul style="list-style-type: none"> Ground water <ul style="list-style-type: none"> The proponent will be required to determine if the maximum predicted water table will be intercepted by the works prior to undertaking any excavation and therefore if a dewatering licence will be required under part 5 of the Water Act 1912. NOW prefers that all wetlands are constructed above the watertable and lined with impermeable material NOW will not endorse direct discharge of stormwater into an excavation if it intersects the water table. If monitoring bores may be required to locate the depth of the water table they must be licensed with NOW. 	Appropriate approvals to be obtained prior to or in conjunction with obtaining development consent for any physical works or development.	Agreed. No further comments.
<ul style="list-style-type: none"> Water Licensing <ul style="list-style-type: none"> Existing surface water licences attached to the development site for recreation and irrigation purposes could be altered to enable the water to be utilised for the proposed development. 	Appropriate approvals to be obtained prior to or in conjunction with obtaining development consent for any physical works or development.	Agreed. No further comments.
<ul style="list-style-type: none"> Water Supply 	Noted.	Noted.

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<ul style="list-style-type: none"> – NOW supports the use of Council's town water supply for this development – Wetlands constructed to catch stormwater runoff should be in accordance with the NSW Farm Dams Policy and may require licensing by NOW. 		
<ul style="list-style-type: none"> • Riparian Buffer Areas <ul style="list-style-type: none"> – All works undertaken in riparian areas are required to adhere to DWE Guidelines for Controlled Activities. – Asset Protection Zones (APZ) are to be located outside the riparian zone. 	Noted.	Noted.
<ul style="list-style-type: none"> • Acid Sulphate Soils <ul style="list-style-type: none"> – The northern extent of the development requires assessment of acid sulphate soils if disturbance is proposed in this area. 	Noted.	Noted.
<ul style="list-style-type: none"> • Flooding <ul style="list-style-type: none"> – The impact future potential impact caused by increased flows on Cobaki Creek and its tributaries will need to be assessed as part of future DA applications and referred to NOW for assessment. 	Noted.	Noted.
<ul style="list-style-type: none"> • Monitoring <ul style="list-style-type: none"> – The Statement of Commitments do not outline of a monitoring programme for surface water or ground water. 	See amended Draft Statement of Commitments at Annexure F .	See amended Statement of Commitments.
<ul style="list-style-type: none"> • Consideration of the potential cumulative impacts of urban development within the area is required. 	This issue is addressed in Section 21.3 of the Environmental Assessment. No significant cumulative impacts are likely to occur subject to implementation of the mitigation and management measures contained in Annexure F .	No significant cumulative impacts are likely to occur subject to implementation of the mitigation and management measures contained in the amended Statement of Commitments.
4. Regional and Traffic Authority (RTA)		
<ul style="list-style-type: none"> • All proposed works should ensure the needs of vulnerable road users such as pedestrians, cyclists and the elderly. Particular attention should be given to the safe provision of pedestrian movement at the Kennedy Drive/Piggabeen roundabout. 	It has been agreed with Tweed Council that there is not to be a new roundabout at the Kennedy Drive and Gollan Drive intersection as was anticipated by the Applicant, some less major intersection works may be agreed between the Applicant and Council at a later stage when the Precinct or Stage Development Applications are dealt with.	No further comments.

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<ul style="list-style-type: none"> Proposed signals at the intersection of Scenic Drive, Marana Drive, and McAlisters Road are located on a local road and will therefore be funded through arrangements with the Tweed Shire Council. Traffic signal design must be undertaken in conjunction with the RTA. All road upgrades shall be designed and constructed to RTA's Road Design Guide, relevant Austroads Guidelines and Australian Standards. 	<p>The Applicant has offered to construct the traffic lights (or roundabout yet to be determined by Tweed Council) at Scenic Drive and McAlister's Road as part of the RISE development cost.</p> <p>Noted.</p> <p>The nominated standards will apply where appropriate and in accordance with TSC DCP unless otherwise approved as requested in the RISE submission.</p>	<p>The intersection upgrade at Scenic Drive / McAllisters Road is complete with a roundabout being install circa 2019.</p> <p>Noted.</p> <p>Noted and agreed.</p>
5. Department of Environment and Climate Change NSW (DECCW)		
<ul style="list-style-type: none"> Recommends condition which requires local aboriginal community to monitor initial earth disturbing works and further conditions where aboriginal objects and/or human remains are identified. Acknowledges consultation with the aboriginal community has occurred in accordance with DECCW consultation guidelines Concerned that Precinct J location may result in the fragmentation of the area of vegetation to the north and inhibit some usage of vegetation and movement by fauna. Recommends condition requiring Area J to be realigned and consolidated further to the north, more adjacent to Spine Road alignment. 	<p>See amended Statement of Commitments at Annexure F.</p> <p>Noted.</p> <p>Precinct J has been deleted from the Concept Plan.</p> <p>As above.</p>	<p>See amended Statement of Commitments.</p> <p>Noted</p> <p>No further comments</p> <p>No further comments</p>
Additional information from DECCW		
<ul style="list-style-type: none"> Illegal clearing of native vegetation and threatened species has been undertaken on the site which is subject to legal proceedings. 	<p>The Court case relating to the clearing has been finalised and no adverse findings have been made against the landowner and proponent of this Concept Plan.</p>	<p>No further comments</p>

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<ul style="list-style-type: none"> Further impacts to threatened species, EEC, endangered populations and habitat for threatened species should be avoided. 	<p>The proposed development, now with the deletion of Precinct J, will result in a net gain of suitable habitat of 1.58ha for Threatened species, EEC's and populations. Furthermore, all of the existing 24.69ha of habitat on the site will be subject to rehabilitation measures as detailed in the application.</p>	<p>The development area has been revised to better protect biodiversity areas and reduce disturbance. Refer to the revised Ecological Assessment report.</p>
<ul style="list-style-type: none"> The earlier impacts of illegal clearing should be considered when assessing the overall cumulative impact. Areas of earlier clearing should still be considered as threatened species habitats for the purpose of determining the impact. 	<p>See the response below to "A Remedial Work Notice under the Native Vegetation Act 2003 is being prepared which applies to the areas of the site where native vegetation has been damaged. It will require rehabilitation to areas of the site".</p>	<p>No further comments</p>
<ul style="list-style-type: none"> Offset measures should to be further developed, more clearly expressed, and improved to reflect proposed impact and measures to off set the impact. 	<p>Potential impacts are clearly stated in the Ecological Assessment (ie. Section 5.1) as are proposed offsets.</p>	<p>Offsets are proposed, as outlined in the revised Ecological Assessment report.</p>
<ul style="list-style-type: none"> Spine Road <ul style="list-style-type: none"> Support principle of creating a buffer between development and conservation areas, however location of Spine Road does not avoid impacts on threatened species, EEC's and their habitats. 	<p>Location of Spine Road horizontal alignment is dictated by topography, maximum grades of the road permitted by TSC for the road classification need to carry the projected volume of traffic from the Bilambil Heights Release Area.</p>	<p>The proposal includes a realignment of the spine road to best avoid ecologically sensitive areas and excessive slope.</p>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> Spine Road could be relocated to avoid impacts including moving its alignment, north where it adjoins Precinct L, east where it adjoins Precinct M and incorporated into Precinct O. The remainder of the alignment should avoid the vegetated corridor on the western part of the property and located in the central part of the property in this location that has been cleared. Reasons for the location of Spine Road need to be clearly articulated including the impacts to biodiversity and offsets Wildlife crossing areas should be provided 	<p>This classification of road is more efficient if direct access from lots is denied. This has been incorporated in the concept.</p> <p>Minimising of extent of disturbance and potential for extensive visual scarring has been taken into consideration in selection of road alignment.</p> <p>The DECCW response does not appear to take into consideration actual levels, maximum grades and the undesirability of having a major road through the middle of a development, from a safety perspective.</p>	<p>Refer to comment above.</p>
<ul style="list-style-type: none"> Vegetated areas within precincts L, M, N and O should be protected and rehabilitated. 	<p>The removal of fragmented and isolated patches of vegetation within Precinct L, M, N and O is not considered a significant impact. It is worth noting that the majority of these vegetation patches are comprised of Camphor laurel forest. In any event, the removal of isolated patches of vegetation is proposed to be offset through extensive revegetation and rehabilitation works on the site.</p>	<p>A revised Ecological Assessment report has been prepared by JWA Pty Ltd.</p> <p>The realignment of the Spine Road and slight changes to development footprint has formed part of the re-assessment of the area of disturbance, including cut, fill and batters. The report concludes that the areas being retained for environmental</p>

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<ul style="list-style-type: none"> No ecological survey was undertaken in areas to be cleared. 	The ecological survey included all areas of the site. Fauna surveys were concentrated in vegetated portions of the site as these areas provide the best habitat. The majority of the development envelope occurs in grazing land and existing golf course land was therefore afforded a lower level of fauna survey.	purposes across the subject site provides the highest quality value for connectivity in the context of the immediate and broader landscape. The proposed development is therefore not considered likely to impact existing vegetation to the point where terrestrial fauna dispersal will be impeded.
<ul style="list-style-type: none"> Site Rehabilitation <ul style="list-style-type: none"> Generally agree with areas identified for rehabilitation with the inclusion of vegetated areas of L, M, N and O 	See comments regarding Precinct L, M, N and O above.	Open space and conservations lands will be increased as part of the modification application.
<ul style="list-style-type: none"> Some of the offsets proposed are within area referred to as 'Stage 2' - not part of this application. 	Disregarding the proposed offsets in 'Stage 2', there will still be a net gain in native vegetation of 1.58ha.	The conservation areas are proposed to be increased from 31.584 ha to 35.25 ha. All of the species listed are common bird species. The proposed development will result in a net gain in suitable habitat for all species listed.
<ul style="list-style-type: none"> Commencement of trail planting areas has not been explained. 	The trial plantings have been commenced to determine if proposed revegetation species are suitable, and also if Threatened plant species can easily be grown.	No further comment
<ul style="list-style-type: none"> The potential translocation of threatened species is not addressed in the Site Rehabilitation and Pest Management Plan. 	The Site Rehabilitation & Pest Management Plan aims to provide overall objectives for the retention and rehabilitation of vegetation on the site. The developer has committed to preparing and specific Management Plan for each and every Rehabilitation Area. Specific details on the translocation of Threatened plants will be provided as necessary per stage.	Refer to revised Site Rehabilitation & Pest Management Plan. Under the Concept Plan Approval, the management actions within an approved VMP would be the responsibility of the Body Corporate in perpetuity. It is now proposed that the applicant/ proponent will be responsible for the management actions until such time as the land is dedicated to Council. It is the intention of this Modification application to change the current community title subdivision to Torrent's title subdivision.
<ul style="list-style-type: none"> Some of the threatened species to be retained are located within small development lots and in some cases depicted abutting a building which would significantly impact on their retention. 	Threatened plants are proposed to be retained in residential lots where possible, however this is not the only amelioration measure proposed. Additional stems of Threatened plant species will be planted in revegetation works and habitat for these species will be significantly increased.	Refer to comments in point 14. above.

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<ul style="list-style-type: none"> A Remedial Work Notice under the Native Vegetation Act 2003 is being prepared which applies to the areas of the site where native vegetation has been damaged. It will require rehabilitation to areas of the site. 	<p>In September 2006 the DECCW commenced an investigation into illegal clearing of Threatened Species Flora on this subject site.</p> <p>In 2009 the DECCW took action through the Land and Environment Court against the contractor responsible for this clearing work.</p> <p>This court action is titled the “Plath vs Rawson [2009] NSWLEC178” matter.</p> <p>Judgement against Rawson was handed down by Justice Preston on 28 October 2009.</p> <p>This Judgement exonerated both the applicant for this MP08-0234 application, Terranora Group Management Pty Ltd (TGM), and TGM’s principal Mr. Godfrey Mantle, from any involvement in this illegal clearing.</p> <p>However, as a consequence of the court decision, on 21 December 2009 the DECCW issued a Draft Restoration Order (Order) to TGM under Section 38 of the Native Vegetation Act 2003 with the intent of causing TGM to rehabilitate the land affected by the Rawson illegal clearing.</p> <p>TGM elected to negotiate the Order with DECCW instead of commencing legal action to potentially block the Order (given that TGM was not deemed responsible for the illegal clearing as confirmed by the Court judgement and hence TGM could have attempted to resist the Order).</p> <p>A meeting was held between the DECCW, TGM and James Warren & Assoc on 8 December 2009 to discuss the scope of the Draft Order, and a second meeting was held between TGM, DECCW, James Warren & Assoc and Tweed Shire Council Engineering Division (Mr. Patrick Knight Director of Engineering) to again discuss the scope and impact of the Draft Order on particularly the future road system as proposed in the MP08-0234 application.</p> <p>Following the above meetings agreement has been reached between TGM and DECCW to the terms of the final Restoration Order.</p> <p>The Rehabilitation Overlay Plan that forms part of the final Restoration Order is attached as Annexure J.</p>	<p>No further comments.</p>

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	<p>This Rehabilitation Plan (Annexure J) has been compiled and agreed so that the scope of works covered by it:</p> <ol style="list-style-type: none"> 1. Provides controlled restoration of 27.34ha of highly degraded but still valuable contiguous Northern NSW Rainforest habitat areas over a 5 year period. 2. Does not impact on the development footprint of the MP08-0234 Concept Plan footprint, including the required engineering earthworks and batters, now that Precinct J has been deleted. <p>The final Restoration Order does not require any actual planting of Threatened or Native species, moreover it requires the removal and maintenance control of introduced and exotic species (such as Privet, Camphor laurel, Lantana, etc.) so that Native Species will naturally propagate.</p> <p>It is now the Proponent's understanding that following:</p> <ol style="list-style-type: none"> 1. agreement to the final DECCW Restoration Order, 2. the removal of Precinct J herein from the MP08-0234 Concept Plan and the proposed bushland restoration of this area by TGM, 3. the revised James Warren & Assoc MP08-0234 proposal (Precinct J deleted) herein that compensatory planting will now provide a net benefit of 1.58ha of valuable habitat. 4. the revised James Warren & Assoc MP08-0234 proposal (Precinct J deleted) herein that 24.69ha of existing bush land will be rehabilitated (which only overlaps the final DECCW Restoration Order at Precinct J). <p>This all now satisfies the DECCW and provides an excellent environmental outcome for the entire TGM land holding.</p>	
<p>NSW Fire Brigade</p> <ul style="list-style-type: none"> • There are ongoing service delivery considerations for the NSWFB in this part of the Tweed LGA. • However, based on the infrastructure contribution frameworks in place no contribution is sought. 	<p>Noted.</p>	<p>Noted</p>

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NSW Rural Fire Service <ul style="list-style-type: none"> The NSW Rural Fire Service will require enhancements in order to maintain service delivery in the Bilambil Heights area. This will include upgrading the Brigade from Village 1 to Village 2. 	Any requirement to contribute towards upgrading of Bilambil from Village 1 to Village 2 should be based on an equitable distribution of costs between all benefiting parties on the basis of physical, causal and temporal nexus.	No further comment.
Northern Rivers Catchment Authority <ul style="list-style-type: none"> The site is located within a Regional Biodiversity Corridor. 	The existing corridor values of the subject site will not be significantly impacted. In fact, corridor values of the subject site will be significantly improved through proposed revegetation and rehabilitation measures.	No further comment
<ul style="list-style-type: none"> Proposed biodiversity measures are to be consistent with on- going conservation efforts through NRCMA investment programs. 	Noted.	Noted.
<ul style="list-style-type: none"> The development works should reduce impacts, with restoration works that strengthen the corridor function and connectivity for flora and fauna, and provide resources and habitat. 	See comments regarding corridors above.	The revised Ecological Assessment report, prepared by JWA Pty Ltd concludes that the areas being retained for environmental purposes across the subject site provide the highest quality value for connectivity in the context of the immediate and broader landscape. The proposed development is therefore not considered likely to impact existing vegetation to the point where terrestrial fauna dispersal will be impeded.
<ul style="list-style-type: none"> The concept plan should demonstrate consistency and compliance with measures given in the North Coast guide for avoiding and reducing rural land use conflict and interface issues, particularly recommended buffer distances. 	The guidelines for avoiding rural land use conflict are not relevant to the development.	No further comment
<ul style="list-style-type: none"> Precinct J (including private access road) is likely to greatly reduce the conservation values of the remnant through fragmentation. 	Precinct J has been deleted from the Concept Plan.	No further comment
<ul style="list-style-type: none"> Policy required for suitability and management of non-native plants species proposed for site landscaping to ensure there is no risk of introducing new environmental weeds to the local area. 	It is not intended to utilise exotic species in landscape or streetscape plantings.	No further comment

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<ul style="list-style-type: none"> Policy required on neighbourhood contributions for site restoration for effective long-term native vegetation management. 	A Site Rehabilitation and Pest Management Plan (JWA 2009) has been prepared for the subject site and provides management guidelines for site restoration and long-term vegetation management.	A revised Site Rehabilitation and Pest Management Plan has been prepared.
9. Gold Coast Airport Pty Ltd		
<ul style="list-style-type: none"> Existing site, being up to an elevation of approximately 200m, penetrates the Gold Coast Airport's Obstacle Limitation Surface. 	Noted.	Noted
<ul style="list-style-type: none"> Therefore any building of whatever height would represent a "controlled activity" under the Commonwealth Airports Act and require approval under the Airports (protection of Airspace) Regulations. 	Controlled Activity Approvals to be obtained as part of Development Applications for relevant buildings. See amended Draft Statement of Commitments at Annexure F .	Controlled Activity Approvals to be obtained prior to construction of buildings. See amended Draft Statement of Commitments.
<ul style="list-style-type: none"> Approval of the Concept Plan should note the requirement for any proposed structures to secure Commonwealth airspace approvals. 	Noted.	Noted. See amended Draft Statement of Commitments.
10 Gold Coast City Council		
Cross border planning and infrastructure issues.		
<ul style="list-style-type: none"> Impacts on the Gold Coast city road network have not been addressed, particularly in regard to Boyd Street and proposed upgrades associated with increased traffic volumes. 	See comments in 2. on Pages 4 and 5 above.	See comments in 2.
<ul style="list-style-type: none"> Traffic Impact Assessment identifies 33% of traffic generated will utilise Cobaki Parkway to access the Tugun Bypass. However as there is no interchange traffic would be directed to Boyd Street. 	See comments in 2. on Pages 4 and 5 above.	See comments in 2.
<ul style="list-style-type: none"> Development thresholds and staged upgrades to Boyd Street have been agreed to with the proponent of the Cobaki Lakes development. 	The Applicant's discussions with the Cobaki Lakes development applicant (Leda Manorstead) has confirmed that the Cobaki Lakes project already has agreements in place with Gold Coast City Council and Queensland Main Roads regarding the staged construction and upgrading of Boyd St and Cobaki Parkway.	No further comments.
<ul style="list-style-type: none"> Rise development may impact on this agreement and contribution from Rise to the upgrade of Boyd Street may be required. 	Noted.	Noted.

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<ul style="list-style-type: none"> Formal agreement is required with the State road authorities in NSW and QLD for necessary upgrading of the Pacific Motorway/Highway and the implementation of an interchange at Boyd Street. 	The proponent accepts that this Concept Plan does not in fact authorise any development and that Development Applications which give rise to traffic generation beyond the allocated capacity on the local road network cannot be approved until sufficient capacity exists within Boyd Street and/or the Boyd Street interchange and Tugun Bypass.	No further comments.
11. Tweed Shire Council		
Strategic		
<ul style="list-style-type: none"> The site has been identified for urban development as part of long standing strategic land use policies: Tweed Residential Development Strategy & Far North Regional Strategy 2006. 	Noted.	Noted
<ul style="list-style-type: none"> Project must be considered in the context of the Bilambil Heights and Cobaki Lakes urban release areas. 	Noted. The proposal is consistent with the Draft Bilambil Heights Local Area Structure Plan.	No further comments.
<ul style="list-style-type: none"> Retail analysis required which takes into consideration Council's adopted Retail Policy 2005. 	An Economic Impact Report accompanies the Environmental Assessment at Annexure 15 . It is considered that this Report adequately addresses Council's Retail Policy.	A revised Economic Needs Assessment. It is considered that this Report adequately addresses Council's Retail Policy.
<ul style="list-style-type: none"> Concept Plan achieves broad settlement objectives of the state and local policy, including diversified housing, commercial and retail opportunities and a co-ordinated approach to provision of infrastructure. 	Noted.	Noted
<ul style="list-style-type: none"> Does not achieve objectives to protect scenic landscape. Height on prominent ridgelines should be kept to a minimum. 	See comments above relating to revised building heights and nil visual impacts.	No further comments. See revised Visual Impact Assessment.
Heights & Views		
<ul style="list-style-type: none"> Application has not satisfactorily demonstrated the public benefit of the proposed increase in height and accordingly it is recommended existing height limits are retained. 	See comments above relating to revised building heights and nil visual impacts.	No further comments. See revised Visual Impact Assessment.
<ul style="list-style-type: none"> Large building footprints in Precinct B have a 3 storey height limit. Future applications will need to address retained amenity and opportunities for view sharing for existing residential properties. 	Noted.	The former Precinct B (Lot 32) for Retirement Living is not part of this modification report. However, no changes to height limitations are proposed for that portion of the site.

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Ecology		
<ul style="list-style-type: none"> Site is of high conservation value, containing Lowland Rainforest (EEC). 	Noted. There will be a net gain of 1.58ha of Lowland rainforest vegetation on the subject site. Furthermore, all existing areas of Lowland rainforest on the site will be rehabilitated.	Noted and not further comments.
<ul style="list-style-type: none"> Subject to a current Land and Environment Court case (DECC v Rawson) for removal of threatened flora species. 	The Court case relating to the clearing has been finalised and no adverse findings have been made against the landowner and proponent of this Concept Plan.	No further comments
<ul style="list-style-type: none"> Impact assessment should consider cumulative impacts including past damage to threatened species. 	The status of significant plant occurrence can only be assessed on what is present at the time of the assessment.	No further comments
<ul style="list-style-type: none"> Impact assessment should consider construction and occupation impacts on threatened species. 	This will form part of the individual Development Applications per Stage or Precinct in the future.	No further comments
<ul style="list-style-type: none"> Development footprint will significantly impact on threatened species and ecological communities due to the current location of Spine Road and Precinct J that will affect areas of EEC. 	Precinct J has now been deleted. The Spine Road location and detailed layout has been resolved with and accepted by the Tweed Council's Engineering Department.	No further comments
<ul style="list-style-type: none"> The ecology assessment is flawed: inaccurate referencing and inconsistent in parts, fauna surveys only taken outside the development footprint, does not assess previous illegal removal of native vegetation, south east portion of the site although has Camphor Laurel could include EEC. 	The impact assessment has considered all potential direct and indirect impacts and was conducted after the damage had occurred.	No further comments. See the revised Ecological Assessment.
<ul style="list-style-type: none"> Loss of E2 zoning from current and draft Local Environmental Plan. 	No comment.	No comment.
<ul style="list-style-type: none"> Landscape Concept Plan misleading as it shows remaining area (referred to as Stage 2) as bushland. 	The EA Design Landscape Open Space Concept Plan Report which forms part of the application is only an indicative report to show the proposed landscape works for the project. It is not intended to detail what may exist or occur in Stage 2 of the site, and Stage 2 of the site does not form part of this application.	An amended Landscape Masterplan is submitted with the modification application.
<ul style="list-style-type: none"> Restoration proposed is outside the site boundaries. 	All restoration will be within the site boundaries.	No further comments.

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<ul style="list-style-type: none"> Restoration should be long term proposal, reflected in a Community Management Statement and Site Restoration Plans for each management unit. 	The application proposes that the project is to be developed under a Community Title Scheme and that the areas of land proposed to become (or be retained as) environmental protection will become Common Property to the Principal Body Corporate and that the Bylaws will make it the responsibility of the Body Corporate to maintain the land in perpetuity.	Under the Concept Plan Approval, Flora and Fauna Management actions would be the responsibility of the Body Corporate in perpetuity. It is the intention of this Modification application to change the current community title subdivision to Torrent's title subdivision. It is now proposed that the proponent will be responsible for the management actions until such time as the land is dedicated to Council.
<ul style="list-style-type: none"> The site is likely to pose significant fauna movement barriers across the site. 	The existing corridor values of the subject site will not be significantly impacted. In fact, corridor values of the subject site will be significantly improved through proposed revegetation and rehabilitation measures.	No further comments.
<ul style="list-style-type: none"> Recommend either relocation of Spine Rd or removing Precinct J and restoration of habitat values in this area 	Precinct J has now been deleted. The Spine Road location and detailed layout has been resolved with and accepted by the Tweed Council's Engineering Department.	Precinct J has been deleted. The alignment of the proposed internal road layout has changed in response to site constraints such as steep contours, as well as changes to the land uses and residential layout. Realignment of the major spine road is proposed to shift northward, from the southern border (currently between the conservation area and the development) to a more central location within the development area of the site.
Infrastructure		
<ul style="list-style-type: none"> Council is willing to consider owning, operating and maintaining potable water supply, sewerage reticulation system (except any gated portions of the development) provided: infrastructure is in accordance with DCP A5, the proponent enters into an agreement with Council for provision of services, and normal easements where services are on private land. 	RISE Development infrastructure should be treated in a similar manner to all other land subdivisions within Water Authorities area. No agreement is required. Community Titles Act provides for Statutory Easement for Service Authorities.	It is proposed to change the tenure from a Community Title Scheme to Freehold land, with infrastructure dedicated to Council, including roads, parks/open space, conservation areas, stormwater treatment devices, public infrastructure etc. The revised design is seeking to comply with the subdivision requirements of the Tweed DCP to ensure a suitable design outcome given the change in the tenure being proposed.
<ul style="list-style-type: none"> Staging timing and funding of infrastructure provision needs to be revised based on Council's comments. 	Agreed DSP plans require review to reflect logical points of supply for Bilambil Heights Release Area. Current sewer collection point nominated by TSC is an inordinate distance from Bilambil Heights Release Area.	No further comment.

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Water		
<ul style="list-style-type: none"> A reservoir sized to store one day of maximum day demand for the whole development is required. The site of the existing 1.1 ML reservoir to be replaced is not large enough so land must be added as necessary. 	Noted.	Noted
<ul style="list-style-type: none"> Reservoir site at Precinct C is to be transferred to Council in fee simple at a cost to be negotiated. 	Noted.	Noted
<ul style="list-style-type: none"> Regarding the boosted zone, Council will require an elevated tank 200kL capacity. 	Need for elevated tank subject to detailed design and compliance with Water Code of Australia Guidelines.	No further comments.
<ul style="list-style-type: none"> Council prefers to purchase the reservoir site and associated easements independently of the water supply headwork's charges. 	Noted.	Noted
Sewer		
<ul style="list-style-type: none"> Council's Development Servicing Plan does not provide for sewer connection from site to nominated connection point. Council can not therefore fund any works upstream of collection point. 	DSP requires review to take into account future development within Bilambil Heights Release Area. Nominated collection point of Gollan Drive is considered excessively distant particularly in view of the number of separate developments between RISE and Gollan Drive. TSC current collection point will result in inefficient use of infrastructure.	The Elysian Development will be a standard subdivision and not a community title and Council pump stations and rising mains will need to be constructed within the boundaries of the development to negotiate the terrain. Discussions with TSC is required to determine a location for a future regional Pump Station servicing Elysian, the additional development coming from the McAllister area, and potentially the Cobaki Development to the NW of the site. The location of this infrastructure has yet to be determined and will require negotiations with Tweed Shire Council.
<ul style="list-style-type: none"> Council will accept ownership of sewerage system provided all pump stations are constructed to Council's standards. 	Noted.	Noted.
<ul style="list-style-type: none"> Council will not grant sewer headwork credits for the sewer rising main and sewer pump station from the site to Gollan Drive Sewerage Pumping Station. This will be addressed at the time demand requires it. 	Noted.	Noted.

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Stormwater		
<ul style="list-style-type: none"> Stormwater reuse system is accepted in concept. However the applicant needs to consider whether the system is economical and practical for the development. 	The Stormwater reuse system (IWCM) has now been deleted from the Concept Plan.	<p>A conceptual stormwater quality treatment proposal incorporating bioretention devices and vegetated buffers is provided in the Integrated Stormwater Quality and Quantity Report to demonstrate that, with provision of suitable devices, Elysian can meet the pollutant load reduction targets required by Tweed Shire Council's Development Design Specification D7.</p> <p>The final treatment strategy for each precinct will be based on detailed design and may not be limited to these options alone. Should alternative strategies become apparent during the planning and design process, or if detailed design indicates that some devices are impracticable, alternative treatment trains will be assessed, designed and proposed as part of future precinct-by-precinct Development Applications.</p> <p>Stormwater quantity will be managed across the site with adequate on-site detention where required to ensure no increase in peak flows and water depths at Cobaki Creek and other discharge points for all storm events up to and including the 1% Annual Exceedance Probability (AEP) event (formerly 100 years ARI).</p>
<ul style="list-style-type: none"> Council will not grant any reduction in s.64 development contributions on the basis of the reduction in water usage as the recycled system relies on Council as supplier of last resort. 	IWCM deleted as above.	No further comments
<ul style="list-style-type: none"> Precinct B drains to McAllisters Rd through existing urban development therefore an acceptable level of treatment is required. 	Noted.	Noted. No changes are proposed to Precinct B (Lot 32), which is not part of the Modification.

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Flooding		
<ul style="list-style-type: none"> Majority of site is elevated above regional flooding levels except Precinct U – playing fields. 	Agreed.	Further details on flood mitigation and management strategies will be finalised as part of future precinct-by-precinct Development Applications.
<ul style="list-style-type: none"> Based on investigations to date it may be difficult to achieve DCP compliant playing fields – design flood level of 3.7 AHD is applicable. 	Noted.	Noted.
<ul style="list-style-type: none"> If Precinct U is progressed further information is required to assess flooding and drainage: facility layout, survey contours (existing and proposed), water courses, flow paths, cut & fill, conceptual drainage plan. 	Noted.	Noted.
Roads & Future connections		
<ul style="list-style-type: none"> Significant earthworks are required to achieve compliant road gradients and developable sites. 	Agreed. Proposal makes every effort to minimise earthworks which are mostly related to ensuring the road gradients comply as much as possible, particularly the Spine Road.	No further comment.
<ul style="list-style-type: none"> As Spine Rd does not have direct allotment access variations to retaining wall/batter heights are generally acceptable subject to detailed design. This may require wider road reserve in parts. 	Agreed. Refer comments on Spine Road in DECCW additional information Dot Point 5. Minimal road connections to the Spine Road are proposed to minimise earthworks and maximise traffic flow.	Due to the relative steepness of the site and to reduce earthworks on site road grading has been reviewed and it was determined that some departures are required from Council's Specification to minimise the earthworks but still have an engineering design that incorporates safe sight lines and road speeds. Refer to the updated Preliminary Engineering Report.
<ul style="list-style-type: none"> All other roads should comply with DCP A5 – D6 & D1. 	Agreed except to the extent of variations to DCP as sought in RISE submission which are based on the project being a CTS.	
<ul style="list-style-type: none"> Additional future road connections are required north of Precinct L. 	Preferred Project Report provides for 2 additional road connections to adjoining land.	The proposed modifications do not prevent future access connections to adjoining land. If required, provision for access to adjoining lots can be considered as part of future subdivision applications.
<ul style="list-style-type: none"> Further investigation of cul-de-sacs is required to achieve compliance with DCPA5 – allowable length. 	Proposal is a Community Title development. Variations to these requirements of the TSC DCP have been sought as the roads in question are private roads. See original RISE submission. Council DCP written without regard to a Community Title development the scale of RISE.	It is proposed to change the tenure from a Community Title Scheme to Freehold land. Compliant road designs can be achieved as part of future development applications.

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Social		
<ul style="list-style-type: none"> Population projections should be updated with 2008 data and population capacity per precinct given. Reference should be made to the TSC Urban & Employment Release Strategy 2009 supersedes the Tweed Regional Development Strategy. 	<p>The production of the Draft Bilambil Heights Local Area Structure Plan (LASP) by the Applicant, in conjunction with Tweed Council, as a supporting document for the RISE application, has determined support for the RISE Concept Plan, particularly based on the fact that the RISE application represents nearly 1/3rd of the target population for this LASP area.</p> <p>Further detailed studies of the population impact per Stage or Precinct of the RISE project will be dealt with at the time of each separate Development Application for each relevant component of the project, especially noting that population figures will change over the life of the RISE development cycle.</p>	No further comment
<ul style="list-style-type: none"> Statement of Commitment to be included: "The developer provides community facilities as recommended in the Tweed Shire Community Facilities Plan 2007 in step with residential development". 	<p>The application is for a Community Title Scheme and as such the Concept Plan allows for a series of private parks, private community facilities and a community hall at the main Town Centre that will be made available to the public for hire at a minimal cost through the RISE Body Corporate. Therefore compliance with Council's requirements are not deemed acceptable by the applicant.</p>	<p>It is proposed to change the tenure from a Community Title Scheme to Freehold land, with infrastructure dedicated to Council, including roads, parks/open space, conservation areas, stormwater treatment devices, public infrastructure etc.</p> <p>The revised design is seeking to comply with the subdivision requirements of the Tweed DCP to ensure a suitable design outcome given the change in the tenure being proposed.</p>
<ul style="list-style-type: none"> Consider access between village centres and residential facilities in particular for seniors. Precincts F, S, M are not accessible by foot to village centres. Village store and service station in Precinct R have limited catchment, could be developed as sports field. 	<p>Firstly, there is no Precinct S in the MP08-0234 application. Secondly, there is no Village store or service station/Precinct R in the MP08-0234 application.</p> <p>Thirdly, the Concept Plan includes a raft of cycleways, walkways and golf cart routes throughout the project as depicted in the ML Design Architecture and Urban Planning Report March 2009, page 41, which forms part of the application.</p>	<p>The modified concept plan provides pedestrian circulation and connectivity between residential lots and the Village Centre through the provision of footpaths, shared footpaths and park paths.</p>
<ul style="list-style-type: none"> Commit to entering into VPA for community facilities as not covered by Section 94 Plan No.15. 	<p>Not acceptable to the applicant, see above.</p>	<p>It is proposed to change the tenure from a Community Title Scheme to Freehold land, with infrastructure dedicated to Council, including for any community facilities as is appropriate and required.</p>

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Waste		
<ul style="list-style-type: none"> Statement of Commitment for the development of a Waste Management Plan to control waste generation and management practices (during demolition, construction & occupation). 	This requirement has been included in the amended Draft Statement of Commitments at Annexure F .	This requirement has been included in the amended Draft Statement of Commitments.
Traffic		
<ul style="list-style-type: none"> Traffic generation rates in RTA Guide to Traffic Generating Developments should be used. Rates in Section 94 Plan can be used for estimating threshold of traffic prior to Cobaki Parkway. 	See item 2 on Pages 4 and 5 above.	See item 2.
<ul style="list-style-type: none"> Disagree with methodology for percentage traffic distribution on Kennedy Drive. 100% trips west of Cobaki Bridge should be assumed in modelling to use Kennedy Drive. 	As above.	As above.
<ul style="list-style-type: none"> Proposed traffic lights at McAllisters Rd & Scenic Dr intersection are not included in TRCP which includes roundabout at this location. Roundabout should be considered as first stage of development. 	Noted.	The roundabout in this location was completed circa 2019.
<ul style="list-style-type: none"> Based on traffic volumes Cobaki Road should be rural arterial and McAllisters Rd, Marana St, Mountain View Esplanade should be neighbourhood connector and widened accordingly to TSC's Development Design Spec. D1 & DCP-A5. 	Noted.	Noted.
<ul style="list-style-type: none"> Until Marana, McAllisters & Mountain View are widened development is restricted to an additional 1000 vpd. 	Noted.	Noted.
<ul style="list-style-type: none"> Modelling required to assess vehicle impacts at intersections of Buenavista Dr/McAllisters Rd and McAllisters Rd/Mountain View Esplanade. 	Noted.	Noted.

REVISED RESPONSE TO SUBMISSIONS (PREFERRED PROJECT REPORT)

Issues raised during consultation of original Major Project application in 2009	ORIGINAL COMMENTS (Darryl Anderson Consulting Pty Ltd, December 2009)	RPS COMMENTS (regarding changes proposed as part of current Modification)
Open Space		
<ul style="list-style-type: none"> No exemption for nursing homes in casual open space requirement. Therefore additional 0.23ha required. 	The application is for a project structured under a Community Title Scheme and as such it is not necessary to strictly comply with the Council's DCP's for casual open space, also because various community facilities located throughout the project will be made available to all residents through the Body Corporate strict compliance is unnecessary. Other than the Nursing Home, for which the application claims that no casual open space is required, the casual opens space requirements of Council are met.	It is proposed to change the tenure from a Community Title Scheme to Freehold land. Compliant open space designs can be achieved as part of future development applications. The nursing home use has been removed/ omitted.
<ul style="list-style-type: none"> No agreement has been reached regarding the layout of the sports park (Precinct U). Site is poorly shaped for sports fields and required buffers. Negotiations have commenced to enter into VPA for contributions in lieu of dedication of structured open space. Some sport facilities can still be located on Precinct U. Statement of commitment should reflect this. 	See comments above re Precinct U.	The area previously approved as Precinct U is now proposed as a Local Park and Structured Open Space (Precincts F and H) as per the amended Precinct Plan.
<ul style="list-style-type: none"> Landscape Open Space Concept Report should clearly identify casual open space. 	A more detailed set of seven (7) casual open space parks plans have been provided to Council and to our understanding Council has accepted those plans as achieving an acceptable casual open space outcome for the project. Those seven (7) plans are attached as Annexure H .	Refer to the Revised Landscape Master Plan, depicting compliant location and provision of local and neighbourhood parks.
<ul style="list-style-type: none"> Water bodies such as dams cannot be included in open space calculations. 	Noted, see Annexure H plans which do not include areas of water bodies in the open space calculations.	Noted
<ul style="list-style-type: none"> Community Title Subdivision means Council will not have responsibility now and in future for the management of the casual open space. 	Noted.	It is proposed to change the tenure from a Community Title Scheme to Freehold land, with infrastructure dedicated to Council, including parks, open space and conservation areas. The revised design is seeking to comply with the subdivision requirements of the Tweed DCP to ensure a suitable design outcome given the change in the tenure being proposed.
<ul style="list-style-type: none"> Open space in Community Title Subdivision should comply with Council's standards (DCP A5) to ensure maximum benefit for community. Due to site constraints negotiations over some criteria may be required. 	See above.	See above.

REVISED RESPONSE TO SUBMISSIONS (PREFERRED PROJECT REPORT)

Issues raised during consultation of original Major Project application in 2009	ORIGINAL COMMENTS (Darryl Anderson Consulting Pty Ltd, December 2009)	RPS COMMENTS (regarding changes proposed as part of current Modification)
Environmental Health		
<ul style="list-style-type: none"> Environmental Protection & Heritage Council, Natural Resource Management Ministerial Council and National Health & Medical Research Council Guidelines for the safe use of recycled water are relevant to the proposal. 	Integrated Water Cycle Management is now deleted from this application.	Future development applications can comply with these Guidelines.
<ul style="list-style-type: none"> Future applications must be submitted with the information that addresses the recommendations of the Gilbert & Sutherland, Contamination Assessment April 2009, necessary remediation action plans and statement confirming land is suitable for intended use. 	See amended Draft Statement of Commitments.	See amended Draft Statement of Commitments.
<ul style="list-style-type: none"> An Acid Sulfate Soils Assessment is required for any earth works proposed on the proposed sports park site to satisfaction of consent authority. 	See amended Draft Statement of Commitments.	See amended Draft Statement of Commitments.
<ul style="list-style-type: none"> Future applications will need to address approvals required under the Local Government Act 1993 for proposed private sewerage system to service school in Precinct I. 	See amended Draft Statement of Commitments.	The school is no longer proposed and has been omitted as part of this modification.
Legal		
<ul style="list-style-type: none"> Process for transfer of closed road reserves outlined. 	Noted.	Noted.
<ul style="list-style-type: none"> Council will not consider acquiring land for road corridor for Cobaki Parkway (from Piggabeen Rd to Boyd St overpass) as it is outside parameters of what Department of Local Government considers public purpose. 	Noted.	Noted.
<ul style="list-style-type: none"> Council provides approval for development on held closed road parcels (Lot 1 DP1033810 & Lot 1 DP1033807). 	Noted.	Noted.
Earthworks		
<ul style="list-style-type: none"> Detailed geotechnical investigations will be required for each future Development Application. 	See amended Draft Statement of Commitments.	See amended Draft Statement of Commitments.
<ul style="list-style-type: none"> Future applications will need to demonstrate heavy haulage routes and mechanisms to minimise impact on adjoining properties. 	See amended Draft Statement of Commitments.	See amended Draft Statement of Commitments.

REVISED RESPONSE TO SUBMISSIONS (PREFERRED PROJECT REPORT)

Issues raised during consultation of original Major Project application in 2009	ORIGINAL COMMENTS (Darryl Anderson Consulting Pty Ltd, December 2009)	RPS COMMENTS (regarding changes proposed as part of current Modification)
Bushfire APZ's		
<ul style="list-style-type: none"> External APZ's should be located wholly within the Rise Site as approval cannot be given for restrictions on another land owner. 	See amended Draft Statement of Commitments.	See amended Draft Statement of Commitments and the revised Bushfire report.
<ul style="list-style-type: none"> Further applications for Precincts would need to include easements on adjoining property or repositioning of the buildings to achieve on site APZ's. 	See amended Draft Statement of Commitments.	See amended Draft Statement of Commitments and the revised Bushfire report.
Variations to Council's Controls		
<ul style="list-style-type: none"> Variations to Council's DCP be considered in future DA's on individual merits. No blanket endorsement to variations should be given by Concept Plan. 	Amendments to Council's Development Control Plans are requested from the Department for the reasons outlined in the Environmental Assessment and the fact that the application is for a CTS development.	It is proposed to change the tenure from a Community Title Scheme to Freehold land. Variations to Council 's standards can be assessed as part of future development applications if compliant designs cannot be achieved.
12. Department of Education and Training		
<ul style="list-style-type: none"> In the short term, the Department feels that Bilambil PS and Tweed River HS, with the supplementation of demountables, can cater for the increase in student numbers resulting from this development, if the non-retirement component is not increased. However, as further development is planned for the Bilambil Heights area, the Department reserves the right to request a 3.0 hectare site for a primary school if overall lot numbers reach the established primary school threshold level of 2,500 dwellings. The Department also will eventually require a 6.0 hectare site for a secondary school in the area to accommodate students living in Terranora, Bilambil, Bilambil Heights and Cobaki. 	The Draft Bilambil Heights Local Area Structure Plan identifies suitable sites for schools to service the whole of the Bilambil Heights Release Area on an equitable and efficient basis.	The school is no longer proposed and has been omitted as part of this modification.