

Our ref: Bilambil Heights Concept Plan Modification 3 (MP08_0234-Mod-3)

Michael Geale
Greenland Development Pty Ltd C/- RPS AAP Consulting Pty Ltd
33 Queen Street
Brisbane QLD 4000

31 January 2025

Subject: Request for Information

Dear Mr Geale

The exhibition period of the application and modification report for s75W modification application MOD 3 to Concept Approval MP 08_0234 Bilambil Heights concluded on Thursday 12 December 2024. During the exhibition period, the Department received 1 public submission. The Department has also received 6 agency responses and 1 draft submission from Tweed Shire Council.

The Department has placed all submissions and agency responses on the NSW planning portal at <https://www.planningportal.nsw.gov.au/daex/under-consideration/bilambil-heights-concept-plan-modification-3>

It is noted that NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science (NSW DCCEEW BCS) requested an extension until 31 January 2025 which has been granted. Additionally, Schools Infrastructure NSW and Essential Energy did not provide response. Should we receive any response, the Department will forward it to you accordingly.

The Department requests you provide a response to submissions report and additional information to the Department that addresses the matters raised by agencies, Council and public submissions, and as summarised below in Attachment A. The written response should be in the form of a submissions report that has been prepared having regard to the *State Significant Development Guidelines including Appendix C - Preparing a Submissions Report*.

We note that the responses from NSW Department of Primary Industries – Agriculture (DPI Agriculture) and Transport for NSW (TfNSW) do not call for you to provide additional information.

Department of Planning, Housing and Infrastructure



The Department requests that the submissions report and additional information be provided by Friday 28 March 2025 (ie 8 weeks). Please advise if you cannot meet this deadline or do not intend to provide the report and information.

If you have any questions, please contact me on 02 9228 6283 or via email at michael.doyle@dpie.nsw.gov.au.

Yours sincerely,

Michael Doyle

A/ Team Leader, Regional Assessments

as delegate for the Planning Secretary

ATTACHMENT A – SUMMARY OF MATTERS RAISED BY AGENCIES, COUNCIL AND
PUBLIC SUBMISSIONS

1. Tweed Shire Council

A response should be made to all points of the Tweed Shire Council submission, however particular attention is drawn to the following summarised items:

1. Substantially the same development (extent of changes)
 - The reduced retail and commercial GFA is not commensurate to the proposed dwelling yield. (Item 1c)
2. Land tenure, and proposed dedicated land encumbrances and maintenance
 - The northern portion of Lot 2 is affected by 'high flow' flooding during 1% AEP: Filling of land and structures are prohibited in high flow floodways; Proposed 'structured open space' and 'local park' here will burden Council/public. (Item 23)

Note: The Department notes that existing condition B3(2) of the consent states that 'Project Approval is not granted for works associated with the sports park on the area referred to as Precinct U. Additional information should also address this matter.

- The precinct plan and product summary plan denote the letter F portions as 'open space', yet these lots, when viewed with the landscape masterplan are shown to be drainage and conservation lots. (Item 24)
 - The north eastern aspect of the conservation area which is also nominated open space has not been considered as part of the bushfire report. (Item 42)
3. Lot yield, housing diversity, affordability and other matters

Reduced residential lot yield & housing diversity (Items 3 to 9)

 - Justification for the proposed reduced residential lot yield is required.
 - The North Coast Regional Plan and the Tweed Growth Management and Housing Strategy have principles and priorities for housing diversity consisting of a mix of allotment sizes, typologies and dwelling densities. The application alters the project mix to majority detached residential allotments but does not evidence that the market requires this.
 - It is unclear if the increased number of dwellings, being hotel/mixed use/apartments will be short term accommodation, which would not address housing affordability.
 - The application must address demand for 1-2 bed dwellings.

Housing affordability (Items 10 to 11)

- The application's Economic and Needs Analysis (ENA) describes that prices are likely to be above the current median house price for the local area.

Loss of school site (Items 15 to 18)

- There is insufficient justification for the proposed loss of the land for a school.

Community and Accessibility: social cohesion and accessibility to community facilities (Items 19-22)

- The original Community Facilities site plan earmarked a site for community facility but is now marked residential.

4. Inadequate APZs

- The bushfire report does not address revegetation, offsets, staging, open space provision and management (and which may affect layout) (Item 39)
- Retaining walls along the perimeter road is likely to pose an impact on access and safety (egress from hazard area) for emergency services defending a fire front. Further information is required on 6m retaining walls supporting Council's road. Minimum 3m wide maintenance tracks at retaining walls & batters must be demonstrated, and maintenance resources allocated in perpetuity is required. (Item 44 and Items 73 to 76)

5. Biodiversity impacts (vegetation removal and inadequate compensation/buffers)

- There is insufficient information to determine whether the increased number of threatened plant species to be removed is consistent with the originally approved development (Items 1a and 29)
- There are incursions into ecological setbacks, and (insufficient) buffer distances (Items 30 to 32)
- Standard practice is to address EEC and threatened habitat impacts and credit liabilities separately. (Item 30b)
- Council has not resolved to accept retained veg areas: Legal mechanism, funding and timing (alignment with dev staging) required. (Items 33 and 88)

6. Reservoir land

- The 2,766sqm reservoir site too small: 3,900sqm required. (Item 53)
- The reservoir location is not suitable. (Item 54)
- Max. RL 205.5m AHD high point for 300mm supply water main is to be provided. (Item 55)
- The current water main alignment is not suitable for 300mm main. (Item 56)

7. Proposed spine road is steep & fast

Road location, hierarchy and design

- The Spine Road (18.5m wide) is too narrow for traffic level: The road must be 20.9m wide. (Item 59)
- The Spine Road 16% grade will impact lots access and vehicles (eg waste collection and buses); 50 allotments include direct access. (Item 60)
- The 8m wide perimeter road requires no parking (both sides) for bushfire accepted performance solution, however Council does not support 'no parking' areas on the perimeter road: Road width must be increased to satisfy on street parking and APZs. (Items 41a and 61)
- Refer to Council's traffic calming measures comment at Item 62.

Connectivity to surrounding land

- Connectivity to future developable land to the north has not been adequately demonstrated: Road stubs should be provided. (Item 68)
- Development is unlikely to satisfy Condition B2(1) Kennedy Dr traffic generation limits. (Item 69)

8. Other

- Engineering detail, concept plan layout and urban design report are inconsistent with each other (eg recreation open space vs conservation land, cycle paths vs retaining walls, carpark in southern biodiversity land, road location & design, and connection points to adjoining lots)
- Request the application demonstrate pre-dev flows at nominated lawful discharge points in a 1% AEP storm. (Item 83)
- Engineering drawings for stormwater management and bio-ret basins are required. (Items 84 to 85)
- The LUCRA is not in accordance with Guidelines: Topography, climate, natural features, site inspections, stakeholder engagement, and consistency with plans. Best practice is to consider proposed/potential adjoining uses. (Items 90 to 91)
- Refer to Council's comments on the dwelling design code at Item 93

2. NSW Rural Fire Service

1. Provide layout plans with APZs and roads
2. Detail the future management of fire trails where the trails replace public roads
3. Address existing bushfire consent conditions
4. Provide a Bushfire condition modification report that addresses new conditions

3. Heritage NSW (Aboriginal Cultural Heritage)

1. RAPs/LALC consultation was 4 & 15 years ago, and an Aboriginal object has since been identified: Restart consultation.
2. Provide year 2020 LALC consultation documents.
3. Update Recommendation 3 to include Unexpected Finds notification to RAPs.
4. Update Recommendation 6 to include current department names.
5. Provide mapping with survey track logs.

4. Public submission

1. The proposal must coordinate with development applications being prepared for 300 McAllister Rd & 147 McAllister Rd, including addressing road connections.
2. The 2017 Tweed Shire Road Development Strategy does not support development within the Rise/McAllister urban release area (URA) without the Scenic Drive Diversion, extension to McAllisters Rd and Cobaki Pkwy. The application must detail planning and coordination that ensures sufficient road network capacity, as well as water reservoir supply and regional sewer pump station & rising mains, for future development across the URA.