



NSW GOVERNMENT  
**Department of Planning**

Contact: Paula Tomkins  
Phone: 02 9228 6397  
Fax: 02 9228 6540  
Email: paula.tomkins@planning.nsw.gov.au  
Our ref: MP 06\_0323  
Your ref:  
File: S06/01235

Chris Lonergan  
East Coast Planning Consultants  
PO Box 2585  
BYRON BAY NSW 2481

Dear Mr Lonergan,

**Subject: Project Application – Mixed-Use Commercial/ Tourist Development, Chinderah (MP 06\_0323)**

The Department has received your application for the proposed mixed-use commercial/ tourist development at Chinderah (MP 06\_0323).

The Department consulted with Tweed Shire Council as part of the preparation of the Director General's Environmental Assessment Requirements (DGRs). Council has advised that part of your proposed car parking is located on Council land, and that at this stage Council has not granted consent for this development of its land. Please be aware that the Department will not accept an Environmental Assessment without the consent of all landowners.

Further, the Department sought the Director General's approval to delegate the assessment of the EA to Council. The Director General has agreed to this delegation and therefore prior to lodging your EA, Council will be able to advise you with regard to fees, the number of copies of documents required and exhibition arrangements.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Project Application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including council.

**Attachment 2** lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with Council prior to lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

It would be appreciated if you would contact Council at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Act* (EPBC Act) and any assessment obligations under that Act;
- consultation and public exhibition arrangements that will apply; and

- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

Prior to exhibiting the Environmental Assessment, Council will review the document to determine if it adequately addresses the DGRs. Council may consult with other relevant government agencies in making this decision. If Council advises the Director-General that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

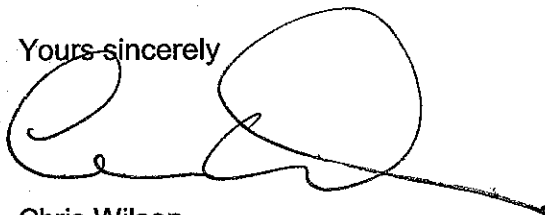
Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, you should ensure that all documents that are subsequently submitted to Council are in a suitable format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Environment and Water Resources in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of NES and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary DGRs will need to be issued.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the EA.

If you have any queries regarding these requirements, please contact Paula Tomkins on 02 9228 6397 or email [paula.tomkins@planning.nsw.gov.au](mailto:paula.tomkins@planning.nsw.gov.au).

Yours sincerely



18.5.07

Chris Wilson  
Executive Director  
as delegate for the Director General

# Attachment 1 Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>
MP 06_0323
<b>Project</b>
<b>Project Application</b> for 3-storey mixed-use development incorporating: <ul style="list-style-type: none"> <li>• 2 shops and car parking at ground level; and</li> <li>• 14 tourist apartments over 2 levels above.</li> </ul>
<b>Location</b>
Lot 1 DP 128722, Lot A DP 345689 Chinderah Drive and Terrace Street, Chinderah
<b>Proponent</b>
Chris Lonergan, East Coast Planning Consultants
<b>Date issued</b>
18 May 2007
<b>Expiry date</b>
2 years from date of issue
<b>General requirements</b>
<p>The Environmental Assessment (EA) for the <b>Project Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. An outline of the scope of the project including:             <ul style="list-style-type: none"> <li>• any development options;</li> <li>• justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;</li> <li>• outline of the staged implementation of the project if applicable;</li> </ul> </li> <li>3. A thorough site analysis including constraints mapping and description of the existing environment;</li> <li>4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans.</li> <li>5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>6. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>7. The plans and documents outlined in <b>Attachment 2</b>;</li> <li>8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the</li> </ol>

project; and
10. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
<b>Key Issues</b>
The EA must address the following key issues:
<b>1. Strategic Planning</b>
1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
1.2 Provide owner's consent for the proposed use of the road reserve or amend the proposal so as not to use Council's land.
<b>2. Urban Design, Visual Impact and Sustainability</b>
2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, density, amenity (including noise) and visual amenity having regard to the <i>Coastal Design Guidelines of NSW (2003)</i> and the <i>NSW Coastal Policy 1997</i> .
2.2 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts. Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
2.3 Demonstrate compliance with SEPP 65 and BASIX.
<b>3. Infrastructure Provision</b>
3.1 Prepare a utility and infrastructure servicing report (including plans) for the site that includes: <ul style="list-style-type: none"> <li>• Identification and location of existing and future utility and infrastructure servicing the site, including waste management in accordance with Council's Waste Coordinator;</li> <li>• Demonstration that the site can be satisfactorily serviced for utility services (Note: Council state that the site is not serviced by reticulated sewer and connection details are required); and</li> <li>• Augmentation works necessary to fully service the project.</li> </ul>
3.2 Identify and describe staging, if any, of infrastructure works.
3.3 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.
<b>4. Traffic and Access</b>
4.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .
4.2 Address servicing and parking arrangements including consideration of Council's DCP 2 – Site Access and Car Parking Code. Note: car parking requirements need to be provided on site in accordance with DCP 2.
<b>5. Hazard Management and Mitigation</b>
<b>Contamination</b>
5.1 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<b>Acid Sulfate Soils</b>

5.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<b>Flooding</b>	
5.3	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005). Include consideration of the impact of oceanic conditions.
5.4	Demonstrate that effective evacuation of the site can be achieved in consultation with relevant emergency services.
5.5	Where relevant, consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
5.6	Address the provisions of Council's DCP No. 5 – Development of Flood Liable Land. Note: Council state that full enclosure of the ground level is not supported. Enclosure of more than 50% of the ground floor area will require additional flood modelling.
<b>6. Water Cycle Management</b>	
6.1	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
6.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
<b>7. Heritage and Archaeology</b>	
7.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (refer to draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation and Interim Community Consultation Requirements for Applicants).
7.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
7.3	Identify any places listed on the National heritage list and protected under the EPBC Act.
<b>8. Flora and Fauna</b>	
8.1	Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i> ). Provide measures for their conservation, where relevant.
8.2	Identify any impacts on species listed under Section 18 and 18A of the EPBC Act, including migratory species or RAMSAR Wetlands.
<b>9. Noise</b>	
9.1	Address potential noise impacts for residents within and adjacent to the development and where necessary, appropriate mitigation measures.
<b>10. Socioeconomic Impacts</b>	
10.1	Address the potential social and economic impacts of the development.
<b>Consultation</b>	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	

- Tweed Shire Council;
- Department of Environment and Conservation;
- Department of Primary Industries;
- Department of Natural Resources;
- State Emergency Service; and
- Commonwealth Department of Environment and Water resources (if relevant).

(b) *Public:*

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.

**Deemed Refusal Period**

**60 days**

## Attachment 2

### Plans and Documents to accompany the Application

#### Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
  - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
  - the existing levels of the land in relation to buildings and roads;
  - location and height of existing structures on the site; and
  - location and height of adjacent buildings and private open space.
2. An **aerial photograph** of the subject site with the site boundary superimposed.
3. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).
4. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
  - significant local features such as parks, community facilities and open space, water courses and heritage items;
  - the location and uses of existing buildings, shopping and employment areas;
  - traffic and road patterns, pedestrian routes and public transport nodes; and
  - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
5. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
6. The **Architectural drawings** are to be drawn to scale and illustrate the following general features:
  - the location of any existing building envelopes or structures on the land;
  - the floor plans;
  - the location of lifts, stairs and corridors;
  - adaptable housing requirements;
  - section plans;
  - fenestrations, balconies and other features;
  - communal facilities and servicing points;
  - the height of the proposed development in relation to the land;
  - significant level changes;
  - parking and vehicular access arrangements; and



	<ul style="list-style-type: none"> <li>• pedestrian access to, through and within the site.</li> </ul> <ol style="list-style-type: none"> <li>7. <b>Elevations</b> – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.</li> <li>8. <b>Stormwater Plan</b> - illustrating stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;</li> <li>9. <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</li> <li>10. <b>Landscape Plan</b> – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);</li> <li>11. <b>Construction Management Plan</b> – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls;</li> <li>12. <b>Operational Management Plan</b> – a plan which provides details in relation to hours of operation, occupancy, management systems, use of amenities and facilities and body corporate roles and responsibilities, waste management, servicing etc.</li> <li>13. <b>View analysis</b> – artist’s impression, photomontages, etc of the proposed development in the context of the surrounding development.</li> <li>14. <b>BASIX</b> - compliance details and relevant certificates;</li> <li>15. The <b>shadow diagrams</b> are to show solar access to the site and adjacent properties, including the public reserve, at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday, 3.00 pm and 6.30 pm.</li> </ol>
<b>Specialist advice</b>	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Flora and Fauna;</li> <li>• Landscaping;</li> <li>• Geotechnical and/or hydro geological (groundwater);</li> <li>• Stormwater/drainage;</li> <li>• Urban Design/Architectural;</li> <li>• Contamination in accordance with the requirements of SEPP 55; and</li> <li>• Acid Sulphate Soil Management Plan.</li> </ul>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 1 hard copy of the Environmental Assessment;</li> <li>• 1 set of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> </ul>



	<ul style="list-style-type: none"> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).</li> <li>• Additional copies of the EA and plans will be requested when the EA has been accepted as a duly made application. If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.</li> </ul>
<b>Electronic Documents</b>	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> <li>• Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files.</li> <li>• File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files.</li> <li>• Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order.</li> <li>• Graphic images will need to be provided as [.gif] files.</li> <li>• Photographic images should be provided as [.jpg] files.</li> <li>• Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.</li> <li>• Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.</li> </ul> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

## Attachment 3

### State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
<b>EPBC Act</b>	
	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007
<b>Biodiversity</b>	
<b>Flora and Fauna</b>	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
<b>Fish and Aquatic Ecosystems</b>	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
<b>Coastal Planning</b>	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
<b>Bushfire</b>	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
<b>Contamination of Land</b>	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
<b>Environmental Management Systems</b>	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)

<b>Aspect</b>	<b>Policy /Methodology</b>
	NSW Heritage Manual (NSW Heritage Office, 1996)
<b>Noise</b>	Environmental Criteria for Road Traffic Noise (EPA, 1999) Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
<b>Soils</b>	Acid Sulfate Soil Manual (ASSMAC) Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
<b>Traffic &amp; Transport</b>	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03) Guide to Traffic Generating Developments (RTA, 2002)
<b>Urban Design: Cycleway/Pathway Design</b>	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
<b>Water</b>	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
<b>Floodplain</b>	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
<b>Groundwater</b>	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Waterways</b>	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

**Attachment 4**  
**Agency Responses to Request for Key Issues**  
**- For Information Only**

**Attachment 4**  
**Agency Responses to Request for Key Issues**  
**- For Information Only**



**TWEED  
SHIRE  
COUNCIL**

Please Quote  
Council Ref: DA4030/4044 Pt1  
Your Ref No: 06\_0323  
For Enquiries  
Please Contact: Garry Smith  
Telephone Direct (02) 6670 2450

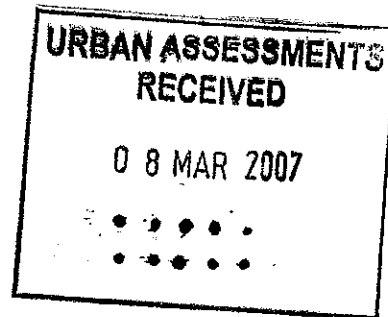
[dltr]

L26J05

2 March 2007

The Director  
Urban & Coastal Assessment  
GPO Box 39  
SYDNEY NSW 2001

Att: Paula Tomkins



Dear Madam


**Re: Request for Provision of Key Issues and Assessment Requirements -  
Commercia Tourist Development. MP06\_0323**

I refer to your letter of 9 February 2007 regarding the above matter in relation to the construction of shops/tourist accommodation/carparking at Lot 1 DP 128722 and Lot A DP 345689 Cnr Chinderah Bay Drive and Terrace Street, Chinderah.

A similar proposal was discussed at Council's Development Assessment Plan meeting on 22 May 2002 and 10 July 2002. A copy of the minutes of these meetings are attached and the issues raised at that time remain relevant to this proposal.

In addition to these minutes the following specific comments are provided:

1. Accuracy of Plans - the plans provided are misleading as they do not accurately reflect the boundaries of the lots in relation to road reserves.
2. Use of Road Reserve for Landscaping and Car Parking - It appears that the applicant relies on the carparking within the public road to meeting their on-site parking obligations specified in DCP 2. This is not acceptable however Council may consider a request to provide car parking in excess of the DCP 2 requirements but does not allow private development to utilise public land to meet their on-site parking obligations. Any work within the road reserve proposed In the formal development application will require Council's consent to lodge the application over this land.
3. Flooding - The comments regarding flooding in the Development Assessment Panel minutes remain relevant. Council's Infrastructure Engineer has however advised that the full enclosure of the ground floor is not supported. The normal requirements would be a maximum enclosure area of 50 square metres is considered to be too restrictive in this instance, however if the plans were amended to limit enclosure to 50% of the site to allow flood flows then additional flood modelling would not be necessary. Any enclosure beyond that would need flood modelling.
4. Building Comments - Council's Building Services Unit has advised as follows in relation to the proposal:-

  
CIVIC AND CULTURAL CENTRE, MURWILLUMBAH  
PO BOX 816, MURWILLUMBAH NSW 2484  
TELEPHONE: (02)6670 2400 FAX: (02)6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER  
ABN 90 178 732 496  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)



- \*\* Clearly identify all site boundaries and the proposed setbacks from those boundaries.
- \* It appears that reticulated sewer does not extend to the property. Provide detail including the proposed connection point.
- \* The retail area should identify any intended use eg. Food shop.
- \* Identify the proposed disabled unit and related carparking."

5. Environmental Health Comments - Council's Environmental and Health Services Unit advise as follows in relation to the proposal: -

- \*\* Construction/amenity - It is likely that the conditions of consent would require the submission of a construction management plan prior to issue of the CC. That plan would address issues such as solid wastes, building hours, amelioration of noise etc.
- \* Solid waste storage and collection - The plans indicate some 20 wheelie bins may be provided. This number of bins may lead to difficulties in terms of placement at the kerb and collection at this busy intersection (this is complicated by the proposed street parking and site access/egress). It may be that bulk bins are required. The applicant is to liaise with Council's Waste Coordinator to determine an appropriate waste collection and disposal system.
- \* Trade Waste - If the proposed shops are to be used for food preparation, then trade waste requirements will be applicable.
- \* Exhausting Cooking Gases - If the proposed shops are to be used for food preparation, then exhausting cooking gases above the roof in accordance with AS1668 will be required.
- \* Footpath Dining - If the proposed shops are to be used for food preparation, then footpath dining arrangements may require consideration. Provision of suitable areas which allow for safe pedestrian pathways will be required.
- \* Lighting - Consideration of amenity impacts from lighting would be required. May be necessary to shield lighting and or place on timers.
- \* ASS - May require consideration dependant upon depth of excavation and dewatering.
- \* Sediment and erosion control - Appropriate measures to be implemented.
- \* Stormwater - Car parking and detention requirements to be addressed.
- \* Contaminated land - As a minimum the 5 standard CL questions to be answered.
- \* Retail - Hours of operation to be defined.
- \* Sub slab - Existing dwelling is B & J - not applicable.
- \* Carwash - DCP 6 requirements relate to multi-dwelling housing, however I would recommend that as least 1 carwash be provided.
- \* Noise from plant - air conditioners etc may require amelioration measures."

6. Tweed Local Environmental Plan 2000 - The following specific Clauses of Council's LEP are relevant to this proposal:-

- Clause 13 - Development of uncoloured land on the zone map. Lot 1 DP 128722 is uncoloured on the zone map as is the adjacent road reserves.
- Clause 15 - Availability of essential services.
- Clause 16 - Heights of Buildings.

All communications to be addressed to:

Development Control Services  
NSW Rural Fire Service  
Locked Mail Bag 17  
Granville NSW 2142

Development Control Services  
NSW Rural Fire Service  
15 Carter Street  
Homebush Bay NSW 2127

Telephone: (02) 8741 5555

Facsimile: (02) 8741 5433



Urban Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

**URBAN ASSESSMENTS**

**RECEIVED**

27 FEB 2007

Your Ref: S06/01235  
S07/0010  
Our Ref: G07/0414  
DA07021437967 CS

**Attention: Paula Tomkins**

21-Feb-2007

Dear Paula,

**RE: Request for provision of Key Issues and Assessment Requirements –  
1//128722, 345689 CHINDERAH BAY DR & TERRACE ST, CHINDERAH NSW**

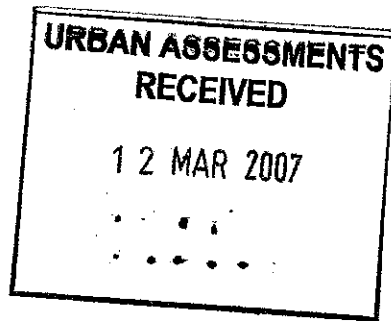
I refer to your letter dated 09-Feb-2007 seeking our key issues and assessment requirements under Section 75F (4) for the above Project Application pursuant to Part 3A of the Environmental Planning and Assessment Act 1979.

The RFS advises that the proposed development does not require the issue of Director-Generals Environmental Assessment Requirements from the NSW Rural Fire Service as the subject site is not identified as bush fire prone on the Tweed Bush Fire Prone Land map.

For any enquiries regarding this correspondence please contact Corey Shackleton.

Yours faithfully,

*Lew Short*  
per: Lew Short  
**Manager, Development Control**



NSW Government

DEPARTMENT OF NATURAL RESOURCES

Contact: Tim Rabbidge  
Phone: (02) 66 270 115  
Fax: (02) 66 270 166  
Email: [tim.rabbidge@dnr.nsw.gov.au](mailto:tim.rabbidge@dnr.nsw.gov.au)

The Director  
Urban and Coastal Assessments  
Department of Planning  
G.P.O. Box 39  
SYDNEY NSW 2001

Our ref: Inq 286 - Tweed  
Your ref: MP 06\_0323

**ATTENTION: Paula Tomkins**

7 March 2007

Dear Sir/Madam

**Re: Major Project 06\_0323, Commercial Tourist Development at Chinderah**

I refer to your correspondence dated 9 February 2007 requesting input to the preparation of the Director-General's Environmental Assessment Requirements for a proposed commercial and tourist development at Chinderah. The Department of Natural Resources (DNR) has reviewed the Project Application and preliminary environmental assessment report and offers the following initial comments on key issues and assessment requirements that should be addressed by the proponents.

#### **FLOODING CONSIDERATIONS**

The following facts are noted for the proposal.

1. The Development Application is for the construction of 2 shops and carparks at ground level, with 2 floors of tourist accommodation above comprising 14 units.
2. The subject site has an average ground level of 1.8m AHD and is located within a 3(d) Waterfront Enterprise Zone and an Uncoloured Zone (unzoned land) under the provision of the Tweed LEP 2000.
3. The application proposes ground level shops with a floor level of 2.1m AHD and all electrical fittings and a flood storage mezzanine level at 3.2m AHD. The tourist accommodation, located at first and second floor levels, have floor levels of 5.6m AHD and 8.5m AHD respectively.

The management of flood prone land in Chinderah is primarily the responsibility of Tweed Shire Council. DNR, on behalf of the NSW Government, provides technical and financial assistance and policy advice to Council for flood related studies and mitigation works to help Council with this role. The following comments are provided in the context of the Minister for Planning, not Council, being the consent authority for the proposed development under Part 3A (Major Projects).

- In 1995 Tweed Shire Council completed the Chinderah Local Environmental Study. This study identified Chinderah as a low hazard flood storage area and affected by a 1 in 100 year flood. Council accordingly resolved that land should not be rezoned to permit any significant increase in residential development.
- In 2005 Tweed Shire Council completed the Tweed Valley Flood Study. This study confirmed that Chinderah suffers from serious flood depths but low flood velocities resulting in low flood hazards across the area. Flood levels of 2.3m AHD in the 1 in 20 year flood, 3.2m AHD in the 1 in 100 year flood and 6.2m AHD in the extreme flood are predicted for Chinderah.
- To date Council has not prepared a Floodplain Risk Management Plan for the Tweed River. Council's DCP No. 5 adopted the flood planning level for residential properties as the 1 in 100 year flood level plus 0.5m freeboard, in this instance 3.7m AHD for the site.
- It is understood that Tweed Shire Council will commence preparing a floodplain risk management plan in 2008 that will include formulating a strategic approach to development for the Chinderah area. The impact of increased occupation of the floodplain on evacuation strategies will also be considered. This plan is expected to be complete in 2010.

DNR therefore submits the following advice in respect of the project design

1. The proposed first floor level at 5.6m AHD (1.9m higher than Council's adopted flood planning level but 0.6m lower than the extreme flood level) and the second floor level at 8.5m AHD (higher than the extreme flood level) is considered reasonable given that isolation to the residents will be imminent when flooding occurs.

It is noted that a flood evacuation plan has been prepared. The State Emergency Service should be contacted for advice on the adequacy of this plan.

2. The proposed ground level shops would be affected by a 1 in 20 year flood event. Consideration should be given to provide higher flood immunity to the shops with a floor level of at least 2.8m AHD (1 in 20 year flood level + 0.5m freeboard). All electrical fittings and flood storage mezzanine level should be at least 3.7m AHD.
3. Assessed in isolation, the proposed development is unlikely to have an adverse flood impact on the surrounding developments. However this may not be the case should intensification of development in Chinderah, over time, occur in an ad-hoc and unplanned manner. DNR does not support this approach as it considers it would not be consistent with the NSW State Government Flood Policy. Flood planning is best achieved through the preparation of a well conceived floodplain risk management plan as is proposed to be commenced in the near future (see above).

#### **RIVERS AND FORESHORES IMPROVEMENT ACT 1948**

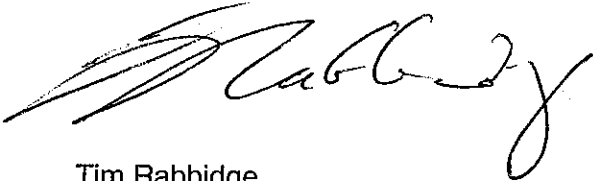
It is noted that the environmental assessment report identifies the proposal as integrated development requiring approval under the Rivers and Foreshores Improvement (RFI) Act in regards to proposed works on Crown land to the west of the main development site (Introduction, page 7).

Under Clause 22 H. (1) (a) of the RFI Act, works on Crown land are exempt from the requirement for a Part 3A Permit under the Act. Further, under Section 75 (U) of part 3A of the Environmental Planning and Assessment Act 1979 this authorisation is also not required.

Accordingly, and in view that the proposed excavations are of a minor nature and generally in excess of 40 metres from the Tweed River, it is considered that the proposed development would not require a Part 3A Permit under the RFI Act.

For further information regarding this matter please contact Mr Tim Rabbidge on (02) 66270115 in the first instance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Rabbidge', written in a cursive style.

Tim Rabbidge  
Natural Resource Planning



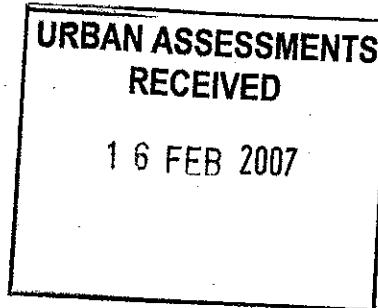
Our Ref:

Ms Heather Warton  
Director, Urban Assessments  
GPO Box 39  
SYDNEY NSW 2001

14 February 2007

Attention: Ms Paula Tomkins

Dear Ms Tomkins



**Re: Key Issues & Assessment Requirements MP06-0323 Commercial and tourist development (Lot 1 DP128722 and Lot A DP345689 Chinderah Bay Dr and Terrace St CHINDERAH**

Thank you for your recent letter requesting the Department of Primary Industries (DPI) outline assessment requirements for the above mentioned proposal. There are no mining, agricultural or forestry issues.

*Fisheries Issues*

DPI responsibility covers managing fish (including aquatic invertebrates), and fish habitat throughout NSW. In addition, the department works to provide viable commercial and quality recreational fishing, and aquaculture opportunities.

DPI raises no fish habitat issues but highlight that maintaining viable commercial fishing in the Tweed River. Increasing waterbased and water focused tourist development can adversely effect commercial fishing opportunities.

If you have any further enquiries regarding fisheries issues please contact me on (02) 6626 1397.

Yours sincerely

  
Patrick Dwyer  
Fisheries Conservation Manager (North)