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23 February 2006

28 FEB 2006

Mr Sam Haddad  
Director-General  
NSW Department of Planning  
GPO Box 39  
Sydney NSW 2001

Director-General

Dear Mr Haddad,

**MAJOR PROJECT CONFIRMATION AND ENVIRONMENTAL ASSESSMENT  
SPECIFICATIONS - TATHRA RIVER ESTATE**

Canberra Investment Corporation (CIC) holds an interest in the parcel of land known as Lot 2 DP 582074, or the Tathra River Estate Stage 2, Tathra NSW.

CIC has been working with Council, Stage Government Agencies and DOP to develop a long term strategy for the development of this parcel taking into account its environmental constraints. We have reviewed the development potential for this land from a first principles basis to seek the optimum ecologically sustainable development option, leaving the existing zoning to one side. We believe that our conceptual development option will result in a leading example of sustainable coastal development and as such we are pursuing a rezoning through Bega Valley Shire Council by participating in an LES process for the site.

We are writing to you to seek formal confirmation that the proposed development of Tathra River Estate, Stage 2 (**Attachment A**) is a Major Project under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*. The proposed development includes the subdivision of land into more than 25 lots and the development of tourist accommodation within the coastal zone. Such development is identified in Schedule 2 of *SEPP Major Projects 2005*, therefore enacting the Major Projects provisions.

We would be seeking a Project Approval for the proposed development including the final form of subdivision (taking into account environmental constraints), development staging, access and egress from the site, integrated water cycle management (including treated effluent disposal), vegetation zones, public amenities and built form requirements in the form of a site specific DCP.

You would be aware that CIC first wrote to the Department of Planning seeking clarification on this matter on 26 August 2005. Much work had already been completed by CIC and Bega Valley Shire Council to that date and since then the Council has completed, exhibited and adopted recommendations based on a Structure Plan for the area. The recommendations adopted on 12 January 2006 include the decision to prepare a Local Environmental Study to investigate development options and facilitate a rezoning of the site (**Attachment B**).



Canberra Investment Corporation Limited

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CIC has undertaken extensive consultation with a range of State Authorities including DOP, EPA, NPWS, SRCMA, Department of Lands, NSW Fisheries and the RFS to identify and further develop a development sensitive to the environmental constraints of the site. As advised by Mr Mutton of Urban Assessments, we have prepared an outline of matters for consideration to be taken into account in the preparation of our Environmental Assessment (**Attachment C**). This outline aims to be comprehensive to satisfy the necessary requirements referred to in the Draft Guideline issued by the Department of Planning on 24 July 2005 and our previous consultation with the above agencies. The Urban Assessments Branch has been provided with a CD of the latest technical reports prepared for the site and we now seek your early confirmation that this scope is consistent with your requirements or what, if any, further information is required.

We are seeking the opportunity to complete the studies, consultation and investigation for the Environmental Assessment in parallel with the Local Environmental Study. To do otherwise would duplicate costs and effort for both the DoP and Council while generating uncertainty and confusion in the community. Hence your early advice on the requirements for the Environmental Assessment will ensure that studies and consultation undertaken for the Local Environmental Study also satisfy the requirements of the Environmental Assessment.

Should you require any clarification of the above or other information to meet the above requests in a timely manner please call either myself or Development Planner Michael Nolan on 6230 0800.

Yours faithfully

**CANBERRA INVESTMENT CORPORATION LIMITED**



**Clare Gilligan**  
**Development Manager**

cc. David Mutton – Urban Assessments  
Garret Barry, Director of Planning – Bega Valley Shire Council

PLAN FORM 100-2

DATE: 10/1/74

PROJECT: 100-2

LOCATION: 100-2

SCALE: 1" = 100'

DATE OF CONSTRUCTION: 10/1/74

DESIGNER: 100-2

CONTRACTOR: 100-2

APPROVED: 100-2

REVISIONS: 100-2

NOTES: 100-2

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**Tathra structure report**

RESOLVED on the Motion of Crs Hede and Buchanan

1. That Council adopt the following series of positions as forming the actions to flow from consideration of public submissions on the draft Tathra structure report dated 16 August 2005:

**A. General**

- i. That actions forming part of this motion be processed as part of the comprehensive LEP which is targeted for public exhibition in 2006/07. That the folder of public submissions be the subject of a further report as part of input towards the Tathra DCP.
- ii. That Council notes the concerns raised in submissions relating to community vision statements, social issues and environmental constraints and further note these issues will be explored and addressed in the mix of special reports being prepared as part of the comprehensive LEP.
- iii. Sewerage investigations. That a report be prepared with a target date of March 2006 that reviews the effluent disposal capacities at the Tathra sewerage treatment works including the local residential capacity that might be accommodated if pressure sewerage systems were to be utilised for areas such as Mogareeka, Tathra River Estate and any new estate development in Areas 8 or 10. That there also be comment on the potential for the Tathra Country Club to continue to address disposal of reclaimed water in the long term and the possible option of securing further irrigation areas within the Tathra River Estate.

- B. Revised process/position for the 10 investigation areas identified in the Tathra structure report of 16 August 2005.

**Area 1 – Tathra River Estate**

That a local environmental study be prepared to further assess five options:

Option 1 – retain as a landbank for a 10 year period and then review uses.

Option 2 – low density urban expansion of a similar layout to Stage 1 with a capacity of perhaps 100 – 120 additional lots.

Option 3 – higher density urban development of up to 300 additional dwellings based on the concepts produced by Canberra Investment Corporation.

Option 4 - Sewered rural residential

Option 5 - Part sewerred rural residential/part urban

Further, that Option 2 be the primary focus of the local environmental study with options 2 to 5 being further investigated and funded by the proponent with regard to all necessary planning investigations.

That Council reserves the right to consider a separate amending LEP process for the Tathra River Estate once the draft LES has been completed.

Regardless of which option is recommended from the study, that the LEP propose an extensive system of environmental protection zoning around all the foreshores of Tathra River Estate. Further, that any redevelopment of the area include provision for public access to the Bega River.

#### ***Area 2 – Bega Local Aboriginal Land Council properties***

That staff effect further consultation with the Bega Local Aboriginal Land Council to see if it is possible to identify a small area for a rural residential cluster with the bulk of the area to be zoned for environmental protection.

#### ***Area 3a – Cnr Sapphire Coast Drive and Tathra Road***

That a master plan be prepared for this area, partly funded by Council and other private landowners to then be the subject of independent assessment and the recommendations from that independent assessment to flow through to the comprehensive LEP.

#### ***Areas 3 and 4 – Evans Hill***

That investigation for the comprehensive LEP continue on the basis of the majority of this area being zoned for environmental protection.

That alternatives also be investigated relating to possible land exchanges as identified in the draft structure report, and a third option of a possible eventual acquisition by the state government of the majority of the area for inclusion in the Bournda National Park.

#### ***Area 5 – Mogareeka village***

That action be deferred on any changes to the Mogareeka area pending the review of sewerage options and part A iii of this motion.

#### ***Area 6 – Tathra townscape***

That Council notes the proposed consultancy for development of building design guidelines for coastal settlements in Bega Valley Shire will address the community concerns as to bulk, form and scale of redevelopment within the Tathra area.

Further, that a proposal be included in the draft Management Plan for 2006/07 for funding to complete the Tathra DCP which will include relevant recommendations and provisions of the 1997 Tathra townscape study and address long term improvements to be effected to the public domain.

#### ***Area 7 – Bega Street 2c zone***

That the existing 2(c) zone be acknowledged as not being appropriate and that a 2(b) zone be considered as part of the comprehensive LEP.

***Areas 8 and 10 – current vacant urban zoned lands and fringe lands to the west of Tathra***

That a further report come forward as part of the comprehensive LEP effecting a detailed review of the current vacant urban zoned lands and fringe lands within Areas 8 and 10. That this report take into consideration the existing constraints relating to bushfire, environmental values and visual impacts on the existing Tathra settlement.

***Area 9***

That no further residential development be supported in this area and that the remaining vacant lands be reviewed for environmental protection or possible public recreation zoning.

Staff to also investigate the option of provision of a possible cultural tourist site within Area 9 as part of possible negotiations with the Bega Local Aboriginal Land Council.

**C. Public consultation**

That a community workshop be conducted with the Tathra community in the first half of 2006 to report on progress relating to the recommendations of this report.

Proposed services and infrastructure would include:

- Roads. The main access road would be from Thompson's Drive in the south to the proposed recreation area on the point at the north western tip of the site. Upgrade works would be required to this road.

A new road is proposed to connect the site from Thompson's Drive to Andy Pool Drive at Tathra Village. The water and sewer mains would be proposed to be routed in the service corridors along this road alignment.

- Reticulated Water. It is proposed that the development would be provided with two independent mains water systems. One system would provide potable water, the other provides 'Grade A' treated effluent which is suitable for use in toilets and laundries and which could be used for fire fighting and irrigation.
- Sewer – It is proposed to construct an additional treatment unit at the site of the existing Tathra STP. This unit would have the capacity to take all sewerage flows from the Tathra River Estate, treat this effluent to a 'Grade A' standard for reuse on Tathra River Estate.

#### **Capital Investment Value**

Capital investment value will vary markedly depending on the final development option. The current project costs are in the order of \$25m for the scope of work outlined in the Concept Plan.

The number of jobs to be generated from this project has not been projected at this stage.

#### **Current Zoning**

The land is currently subject to four different land use zones under the Bega Valley Local Environmental Plan 2002. The areas of the land affected by different zonings are:

- 82 ha Rural A
- 45 ha Residential A and C
- 3 ha Open Space 6A / Foreshore Protection 7B

#### **Views of the Local Council**

Bega Valley Shire Council has already completed some consultation and research on development options for the site, completed a Structure Plan for the town and adopted a recommendation to prepare a local environmental study to complete the investigations into development options and facilitate a rezoning of the site – see Annexure C.

## **Preliminary Project Outline – Tathra River Estate**

### **Project Objective**

CIC's objective is to create a lifestyle resort style community comprising privately owned, freestanding, architecturally designed housing styles which are sympathetic to its coastal location.

The development will have minimal impact on the coastline when viewed from the ocean whilst capitalising on the views that are available over the entire property. The development will incorporate private internal roads and access ways all of which will follow the natural landscape.

CIC's vision for the site proposes a Community Title residential development comprising up to 300 dwellings, village amenities and an eco-tourist facility. The development is not proposed to take the form of a typical residential subdivision but to encourage cluster housing, sensitively located to maximize views and privacy.

Extensive conservation works will occur to rehabilitate gullies and wetland habitat areas whilst restoring access to the foreshore by providing a comprehensive walking/cycling trail network, public parklands, viewing platforms, boardwalks and boat and canoe access to the Bega River. In addition, CIC has incorporated indigenous heritage amenities including a traditional campsite in consultation with the Bega Local Aboriginal Land Council.

The CIC concept proposes the incorporation of a range of ecologically sustainable development initiatives including a sustainable water cycle management system (incorporating effluent treatment and reuse), environmentally sensitive stormwater management structures such as swale drainage and constructed wetlands, integrated educational features and environmental/ landscape maintenance.

The CIC concept includes the construction of a new vehicular/cycle and pedestrian link to Tathra Village for the benefit of both new and existing residents.

### **Project Description**

The Project proposes to develop the 130ha site to create:

- Approximately 300 dwellings comprising detached, semi-detached and attached dwellings. Residential areas would be located in clusters throughout the site principally on the hillside area. Residential areas would occupy approximately 26.7 ha.
- A 'village centre' (1.5 ha) designed for a limited commercial area, potentially including local shops, recreational facilities, an aboriginal interpretive centre and community facilities.
- A possible tourist accommodation site (2.6ha)

In addition, a large proportion of the land would be retained as open space and conservation areas. This would include:

- 12.9 ha of parkland designed for community use, including carparking, boat ramp facilities, and a Traditional Aboriginal camping ground.
- Conservation areas of approximately 18 ha
- 53.6 Ha of general open space with varying uses including vegetation conservation and regeneration, stormwater treatment, treated water irrigation areas and open grassland areas.



## **Draft Matters to be Addressed in the Environmental Assessment**

1. **The project objectives**
2. **The project description including components and staging**
3. **Consultation Undertaken and Outcomes**
4. **Assessment of environmental site constraints and opportunities including:**
  - a. Topography and view corridors (Coastal Amenity and Overshadowing)
  - b. Indigenous heritage and archaeological conservation
  - c. Flora and fauna
  - d. Wetland and marine habitats
  - e. Conservation areas and riparian corridors
  - f. Bushfire protection
  - g. Contamination
  - h. Land capability
  - i. Flooding
5. **Infrastructure Provision**
  - a. Water Sensitive Urban Design (WSUD) Strategy integrating potable water, sewerage, and stormwater management
  - b. Service Corridors
  - c. Transport and Access
  - d. Traffic and Road Networks
  - e. Pedestrian, Cycling and Coastal Foreshore Access and Environmental Management
6. **Assessment of Project Concept:**
  - a. Site Context and Visual Assessment
  - b. Conservation, Landscape and Topography
  - c. Indigenous heritage and archaeological conservation
  - d. Bushfire Protection Assessment
  - e. Land Use Distribution and Capability
  - f. Water Sensitive Urban Design Strategy
  - g. Traffic and road networks
  - h. Pedestrian/Cycling and Foreshore Access
  - i. The public domain and community facilities
  - j. Sustainability (Economic, Social, Environmental)
  - k. Market Assessment and Viability
  - l. Built Form Controls
7. **Statement of commitments**

Proposed to be in the form of a draft Developer Agreement and including:

  - i. Subdivision Plan
  - ii. Drainage Structures and Works
  - iii. Road Works
  - iv. Sewer and Water Works
  - v. Electrical Reticulation
  - vi. Open Space and Community Facilities
  - vii. Conservation and Wetland Areas Rehabilitation and Management Plan
  - viii. Dedication Agreement

## **Preliminary assessment of the Concept**

### **a. Site Context and View Corridors**

The site planning approach draws upon a cluster concept which consolidates residential uses in strategic locations conducive to development and of minimal visual intrusion when viewed from surrounding areas. A significant proportion of the peninsula will remain as open space comprising ridgeline and watercourse conservation, buffers to sensitive habitats, cultural conservation areas, riverfront setbacks and recreational parkland.

The extent, placement and design of communal open space will support the implementation of environmental sustainability initiatives and will establish the riparian and rural landscapes as the overriding character of the development.

The Cluster Housing Approach has been proposed to ensure that there will not be a line of building facades and roof lines imposing on the natural views to and from the site. The Concept is designed to minimise and mitigate impacts on existing ridgeline housing and avoid the creation of further ridgeline housing by ensuring access roads are located on ridgelines enabling building envelopes to be located off ridgelines.

### **b. Conservation, Landscape and Topography**

The initial Biodiversity Impact Assessment report identified a number of sensitive features of and around the site including the wetland area, estuary, sensitive vegetation types and habitat of threatened species. The report noted that the proposed Concept Plan aim to reduce potential impacts to these features.

The report noted that the Concept Plan would remove and clear only limited sections of vegetation. The design has incorporated a number of conservation areas which aim at protecting sensitive vegetation communities and threatened species habitat. These areas have also been designed to reduce human impacts via the incorporation of boardwalks.

The significant areas of revegetation proposed, particularly through riparian corridors, will create fauna links that do not currently exist. These revegetation zones will create a substantially more landscapes outcome than currently exists as the site is predominately cleared grazing land.

The site topography ranges from river flats to extreme slopes over an undulating landscape. The Concept Plan has been designed to fit to the landscape and topography rather than forcing the site to fit to a subdivision pattern.

### **c. Indigenous heritage and archaeological conservation**

Investigations are being undertaken to determine the significance of potential cultural heritage zones. The concept will preserve areas of intrinsic value into the new community through the placement of buffers and explore opportunities to sensitively integrate such areas with educational and interpretive facilities.

Initial archaeological work has been undertaken and accepted by both DEC and the BLALC. A section 87 application is being processed by DEC to undertake more detailed sub-surface investigations.

Consultations with the BLALC have informed the refinement of the concept to include an area adjacent to the Bega Rive to accommodate a Traditional Camping Ground site.

**d. Bushfire Protection Assessment**

An initial Bushfire Assessment has been undertaken on the Concept Plan and discussions held with the RFS. We have received advice that the Concept Plan substantially conforms to the Planning for Bushfire Guidelines, particularly with the proposed ecotoning revegetation of the riparian corridors.

The RFS has indicated it strongly prefers the creation of the proposed secondary access road to the area to enable bushfire evacuation options for the existing residents whose dwellings do not conform to the current bushfire guidelines.

**e. Land Use Distribution and Capability**

The land is currently subject to four different land use zones under the Bega Valley Local Environmental Plan 2002. The areas of the land affected by different zonings are:

- 82 ha Rural A
- 45 ha Residential A and C
- 3 ha Open Space 6A / Foreshore Protection 7B

The Concept Plan has disregarded the existing zonings for the purpose of assessing the land use based on site constraints and opportunities. This will be investigated, and demonstrated, in more depth through the LES process. However, CIC's investigations have resulted in the current Concept Plan for Cluster Housing being considered the optimum use of the land given the existing site constraints and opportunities and the strategic planning requirements for development within Coastal Zones.

The Concept Plan enables sensitive development of the residential components of the site to take into account visual impact, WSUD, minimising landform changes and maximising landscaping buffer zones.

The Concept Plan is informed by preliminary geotechnical advice as to developable areas and potential building platform locations.

**f. Water Sensitive Urban Design Strategy**

The servicing concept for the Estate is primarily focussed on achieving a benchmark outcome in terms of water quality and sustainability. Given the site's strategic location to the Bega River, the estuary and major SEPP 14 wetlands, the water cycle management strategy is critical to the success of the Estate.

The Concept Plan proposes to sewer the estate via a low pressure sewerage system that will be reticulated back to the Tathra Sewerage Treatment Plant. It is proposed that additional facilities will be constructed at the Tathra STP to take the development capacity and to enable high quality treatment of the effluent to a Dept. of Health standard that would enable use within dwellings for toilets and laundry use.

This treated effluent will be reticulated back to the Estate and incorporated in the subdivision servicing and connection to individual lots to enable plumbing to dwellings for toilet, laundry and garden use. Surplus non-potable water is proposed to be used for irrigation in specific common areas where its use can be controlled and monitored.

Stormwater treatment systems (particularly bio-filtration structures and constructed wetlands) will be designed to ensure there is no water quality impact from the development into the SEPP 14 wetlands or the Bega River estuary.

The cluster concept approach directly supports the proposed community title structure of ownership and management. Expansive communal open spaces provide opportunities for the implementation of Water Sensitive Urban Design (WSUD) initiatives, climate responsive site planning strategies, a dual reticulated sewerage system and conservation/regeneration of coastal and riparian habitats. Via an owners association, communal open space will be consistently maintained to high visual and safety standards.

The initial Water Sensitive Urban Design Strategy has identified that the implementation of the proposed Strategy will have an improved impact on the Bega River and the SEPP 14 Wetlands than the status quo, as the sewer facilities will be designed to enable the existing TRE dwellings to be connected to the Tathra STP and the runoff from the site (which is currently rural) will be controlled and treated before discharge.

**g. Traffic and road networks**

The Concept Plan proposes a link road to Andy Poole Drive which would provide an access alternative to Thompson Drive for the new community and existing residents, both for road access and pedestrian access to the foreshore area. This access road has been identified by the RFS as highly desirable to service the existing residents.

This link road will also provide a services corridor to the Tathra Sewerage Treatment Plant.

The concept proposes a network of public loop roads as an extension to the existing road system. New roads will afford convenient access to the residential and village uses and will include public thoroughfares to riverfront parkland. Housing clusters will be internally serviced by private access ways; a series of low key private roads highly responsive to landform and existing site features in order to minimise cut/fill.

**h. Pedestrian/Cycling and Foreshore Access**

The Concept Plan proposes to re-establish access to the Bega River and the wetlands for the local community. At the moment, there is no public access to the foreshore of this site. The Plan also proposes to provide facilities such as public carparking, boat ramp, canoe jetty and picnic areas.

A structure of trails, boardwalks and open spaces will provide a comprehensive pedestrian and bike riding network both for the new residents and for the existing Tathra residents. The new link road also proposes to incorporate a new pedestrian/cycleway path to link the new facilities with the existing village.

**i. The public domain and community facilities**

- Buffers to river and existing housing
- Conservation and regeneration of existing riparian and coastal vegetation/habitat
- Respect cultural site heritage
- Conserve natural drainage patterns
- Recreational and educational facilities – public parkland, viewing platforms, birdhides, boardwalks, access to river, interpretive centre

**j. Sustainability (Economic, Social, Environmental)**

A detailed assessment will be undertaken when the Concept Plan is completed

**k. Market Assessment and Viability**

A detailed market assessment and viability assessment will be undertaken when the Concept Plan is completed.

**l. Built Form Controls**

A variety of dwelling types are envisaged ranging from detached dwellings to strategically located attached forms. The scale of single house forms will predominate - clustered and sensitively set in the landscape. Variety in form, materials and colour within an overall consistent architectural language will be encouraged and controlled through design guidelines. Individual building siting and landscaping will address the issues of climate responsiveness, minimal landform modification, privacy and visual context. The public realm - proposed short-stay lodges, the Village, streetscape designs, shade structures, furnishings, boardwalks/trails, signage etc. - will further reinforce the desired character and quality of the estate.